

*Peter Heylen*, speaking of *Scotland* in his *Geographie* pag. 1289. affirms, That the Kings of *Scotland* were still Vassals to the Crown of *England*; which he endeavours to confirm by these Arguments. 1. By the Homages, Services, and other Duties, done by the Kings of *Scotland*, to those of *England*: *Malcome* the III. doing Homage to *William* the Conquerour, as *William* one of his Successors, did to *Henry* the II. and that not only for three Counties in the North of *England*, or the Earldome of *Huntingdown* (as is by some pretended) but for the very Crown it self: *Kenneth* the III. being also one of those Titulary or Vassal Kings, who rowed King *Edgar* over the *Dee*. 2. By the interposing of King *Edward* the I. and the Submission of the *Scots* to that interposing, in determining the Contraverſie of Succeſſion, betwixt *Bruce* and *Baliol*: As in the like caſe, *Philip* the Fair adjudging the Title of *Artoys*, which was holden of the Crown of *France*, and then in question betwixt the Lady *Mawd*, and her Nephew *Robert*: Or as King *Edward* the III. in the Right of the ſaid Crown of *France*, determined of the Controverſie, betwixt *John* Earl of *Montford*, and *Charles* of *Bluis*, for the Dukedom of *Bretaigne*. 3. By the Confession, and Acknowledgment of Prelats, Peers, and others the Eſtates of *Scotland*, ſubſcribed by all their Hands and Seals, in the Roll of *Ragman*; wherein they did acknowledge the Superiority of the Kings of *England*, not only in regard of ſuch Advantages, as the Sword had given him, but as his original and undoubted Right: Which Roll was treacherouſly delivered into the Hands of the *Scots*, by *Roger Mortimer*, Earl of *March*, in the beginning of the Reign of King *Edward* the III. 4. By the tacite Confession of the Kings themſelves, who in their Coyns, Commiſſions, and publick Inſtruments, aſſume not to themſelves the Title of Kings of *Scotland*, but of *Reges Scotorum*, or the Kings of the *Scots*, and thereby intimating, that though they are Kings of the Nation, yet there is ſome Superiour Lord (King *Paramount* as we may call him) who hath the Royalty of the Land. 5. By the Judgements, Arreſts of the Courts of *England*, not only the Times of King *Edward* the I. but in ſometimes ſince: For when *William Wallace*, a *Scotiſh*man by birth, and the beſt Souldier of that Country, was taken Priſoner, and brought to *London*, he was adjudged to ſuffer Death as a Traitor; which had been illegal and unrighteous Judgment, had he been a Priſoner of War, and not lookt upon by the Judges as ſubject to the Crown of *England*. The like done in the caſe of *Simeon Fraſill*, another of that Kingdom, in the ſame Kings Reign. In like manner, in the time of King *Edward* the III. it was reſolved in the Court, in the Lord *Beaumonts* Caſe, when it was objected, That one of the Witneſſes was a *Scot*, and therefore as an Alien not to give his Evidence, that his Teſtimony was to be allowed, becauſe the *Scots*, in the Law of *England*, did not go for Aliens. And when one, indicted for a Rape, in the thirteenth Year of Queen *Elizabeths* Reign,

deſired a *medietatem lingue*, becauſe he was a *Scotiſh*man, and ſo an Alien; it was denyed him by the Court; becauſe the *Scots* were not reputed here as Aliens, but as Subjects rather. So alſo, when *Robert Umframville*, Lord of *Kyme*, was ſummoned to the Parliament of *England*, in the Reign of King *Edward* III. by the Name of *Robert* Earl of *Angus*, which is a Dignity in *Scotland*; and after in a Writ againſt him, was called by his own Name of *Umframville*, without any addition of that Honour, the Writ was adjudged to abate; which I conceive, the Learned Judges had not done, if *Scotland* had not been reputed, to be under the Vaſſalage of the Kings of *England*. 6. And laſtly, By a Charter of Lands and Arms, which I have in my Cuſtody, granted by King *Edward* the I. in the laſt year of his Reign, to *Peter Dodge* of *Stopworth*, in the Countie of *Cheſter*, one of the Anceſtors of my Mother: In which it is expreſſed, that the ſaid Lands and Arms were conferred upon him, by that King, for his eminent Services *encontre ſon grand enemi & rebel Baliol* King of *Scotland*, and Vaſſal of *England*.

In Answer to theſe Objections, founded upon the Reign of *Brutus*; I need ſay no more, ſave that *Cambden*, and the other Learned *Engliſh* Writers, do look upon the ſame, as a meer fiction. And for proving the Crown of *Scotland* to hold of *England*, there muſt be authentick Documents in Writ produced, as has been formerly debated: And this does ſufficiently answer all that is ſaid of *Bellinus*, King *Arthur*, &c. But to refute theſe Fictions, and to ſhow how much of Cheat is in all theſe Contrivances, I need only cite a Paſſage, from the Learned *Aylet Semmes*, in his *Britannia antiqua*, pag. 159. whoſe Words are,

“ That which gave ſome Authority to this  
“ Fiction, was the uſe King *Edward* the I. made  
“ of it in vindicating his Title to *Scotland*, againſt  
“ the pretence of Pope *Boniface*, and the Church  
“ of *Rome*, who laid Claim to that Kingdom by  
“ ancient Right, as part of *St. Peter's* Patrimony,  
“ and that Churches *Demefne*. It appears, that  
“ the Monks and Friars had a great Hind, in  
“ making out this Title by *Brute*, which Story  
“ was now new vaupt, and from all parts ſent  
“ out of theſe Shops, where at firſt it had been  
“ forged and hammered out. And this doth more  
“ evidently appear, if we conſider many other  
“ parts of the ſame Letter, as it is found in the  
“ Records cited by Mr. *Prin*; but eſpecially that  
“ Miracle of King *Adelſtane*, who (*in perpetu-*  
“ *am rei memoriam*) to give an evident ſigne of  
“ his Right to *Scotland*, with his Sword, ſtruck  
“ a blow upon a Rock near *Dumbar*, that he cleſt  
“ it at leaſt an Elne wide.

As to the Homage made by King *Malcome*, to *William* the Conquerour, it is answered, That the matter of Fact is abſolutely denyed: And not only do our Hiſtorians, and the Hiſtorians of For-  
reigners, mention no ſuch ſubmiſſion, but they do on the contrair, relate, That *William* the Conquerour having come with a Deſigne to conquer *Scotland*, he was forced by *Malcome* King of *Scot-*  
*land*



land to a Peace, very Honourable and Advantageous for Scotland; one Article whereof was, That *William* the Conquerour should restore such of the *English* Nobility, as had fled to Scotland for shelter, to their Estates and Honours. And how can it be imagined, that *Scotland* being then very Unite, and living under a most warlike Prince, would have submitted to a King, who had too much to do at home; or that King *Malcome* would have submitted to him, whom he forced to restore even the *English*, who had rebelled against him. And as the Constitution of Vassalage requires Writ, so if any such Vassalage had been acknowledged, he had accepted of a Charter holding of the Conquerour, as all other Vassals did.

As to King *William's* Homage to *Henry* the II. it is Answered, That *William* having been treacherously made Prisoner, he was forced by long and tedious Imprisonment, to make this Homage; and consequently, the Homage it self was null, being extorted by Force, and made by a Person who was not *sui juris*, being in Prison. It being certain by the Laws of all Nations, That *Deeds done by Prisoners are null*; but especially in this Case, where the Deed was such, as that it would have been null however. For even the most absolute Kings, are so far from being able to alienate their Kingdom, or enslave it, that by so doing, (as some say) they forfeit their own Right, and make the Throne void for the next Successour, who is not obliged by what they have done. And if any such Act as this were binding, then *England*, by the same Argument, had remained a Feu of the Empyre; since *Richard* the I. their King did Homage to *Henry* the Emperour, for *England*, and King *John* his Brother, did the like Homage to the Pope, and offered to hold *England*, in capite, of *Murmelius* a *Sarazen*. King *Edgar's* being rowed over the *Dee*, by *Kenneth* King of *Scotland*, is taken off by the former Answer, though it were true as it is not, nor can it be made appear, by a Chronological Computation, if the Enquiry were worth our pains.

The great Instance founded upon the Homage made by the *Baliol*, is as weak, since it is known, that King *Robert* the *Bruce* refused to do Homage to King *Edward*, choosing rather to want a Crown, than to be a Vassal for it: But *John Baliol* the other Competitor, preferring his Ambition to his Native Country, was therefore justly disowned by the Nobility, who (as *Duchefne* a Stranger to us observes) sent Ambassadors to King *Edward*, to show him that they did Revoke, and Disown the Homage made by the *Baliol*, and asserted their primitive Liberty. And so hateful an Act was this esteemed in him, that he lost the Crown by it; whereas had this pretence of *England* been founded upon any Justice, it would never have been so severely either opposed or punished. But though *Baliol* had been a lawful King as he was not (King *Robert* the *Bruce's* Title being preferable in Law;) yet could not the *Baliol* have subjected the Kingdom in Vassalage to *England*, since by the Feudal Law, a Superiour cannot superin-

duce or interpose another Superiour, *nec sine Vassalli consensu alienare jus suum directum*, c. 1. § *ex eodem descendit de Leg. Iotharii*. And though some debate, that by such Alienations of the Superiority, the Superiour forfeits his Right, yet all agree that the Alienation is null; *nulla & irrita*, D. D. in cap. *imperialem* § *præterea de prohibet. alien. per Fredric. Curt. p. 16. num. 3. & latissime Rosenth. cap. 9. conclus. 62.*

Whereas it is pretended, That the Parliament of *Scotland* consented; it is Answered, That any Parliamentary Consent is altogether denied: For though we have exact Records of all our Parliaments, yet there is not so much as Mention made amongst all our Statutes or Books, of any Parliament held by *John Baliol*. And albeit *Prin* has published all the Records, which the *English* have upon this Subject, yet he dares not so much as assert, much less produce the Copy of any such Act of Parliament: And certainly if there had been such an Act of Parliament, not only the Records of that Parliament, but that particular Act had been carefully preserved and published; and that this Parliament and Statute is a meer Fiction, appears not only by our own, but Forreigne Historians. And it is not imaginable, that the greater part of the Nobility and Kingdom, having immediately disowned the *Baliol*, for acknowledging this Subjection, that they would themselves have ratified it in a free Parliament. But though this were true as it is not, yet there is not any Kingdom so Loyal, Happy, or Invincible, but some few Cowards or Rogues may be found in it, who may assume the Name of a Parliament, and disown the true Interest of the Kingdom, without any Warrant from the People for that effect. And I would very willingly know, if *England* remains still Vassal to the Pope, because a Monk prevailed with King *John*, to hold his Crown of him? Or if *Portugal* should not be acknowledged a free Crown, because *Spain* did once elicit from them a National Consent, by Force of Arms? Or if these three or four pretended *English* Parliaments, who acknowledged *Oliver Cromwel* the Usurper, did settle a Legal Right upon him by their Concurrence? Nor did Prescription Supply here the Original illegality of the Consent; for the *Scots* did immediately reclame, and did within much fewer Years, than Prescription requires, restore themselves to their Liberty, under the Conduct of that Glorious Prince, King *Robert* the *Bruce*, for whom GOD did so Miraculous things, as did convince the World, how much the LORD of Hosts detested the Bribery, and Cruelty of King *Edward* the I. *Et ita res facile redeunt ad suam naturam, & que mox rediit divertisse non videtur.*

But to show how great Aversion even that Generation had, for any such Submission to the *English* Monarchy, I have set down the Copy of a Letter yet extant, under all the Seals of our Nobility, directed to Pope *John*, in Anno 1320. Wherein they Declare, That if their King should offer to submit to *England*, they would disown him,



him, and chuse another. Nor that the power of Electing Kings, was ever thought to Reside in our Nobility : But because it was represented to them, as the Opinion of all Lawyers, that a King could not alienat his Kingdom, or submit himself by his sole Consent, to a Forreigne Prince : Since by that Alienation and Submission, he does Forfeit his Right to the Crown. As to which Letter likewise I think fit to observe, to prevent any Mistake as to the Calculation of the number of our Kings, that the Writers thereof have, as is usual with us, numbred amongst our Kings such of the Royal Family, as were for the time Regents or Viceroys. The Letter follows.

**S**anctissimo Patri in CHRISTO ac Domino, Domino Ioanni, Divina Providentia Sacrosanctæ Romanæ & Universalis Ecclesiæ summo Pontifici, Filii sui humiles & devoti, Duncanus Comes de Fyfe, Thomas Ranulphi Comes Moraviæ, Dominus Manniæ, & Vallis Anandiæ, Patricius de Dumbar, Comes Marchiæ, Malilius Comes de Strathern. Malcolmus Comes de Levenox, Willielmus Comes de Ross, Magnus Comes Cathaniæ & Orca-diæ, & Willielmus Comes Sutherlandiæ, Walterus Senescallus Scotiæ, Willielmus de Soules Buttellarius Scotiæ, Iacobus dominus de Dowglas, Rogerus de Moubray, David dominus de Brechine, David de Grahame, Ingelramus de Umfravile, Ioannes de Meneteith Custos Comitatus de Meneteith, Alexander Frazer, Gilbertus de Haia Constabularius Scotiæ, Robertus de Keith Mariscallus Scotiæ, Henricus de Sancto claro, Ioannes de Grahame, David de Lindefey, Willielmus Olifant, Patricius de Grahame, Ioannes de Fenton, Willielmus de Abernethie, David de Weyms, Willielmus de Monte fixo, Fergusius de Ardrosan, Eustachius de Maxwell, Willielmus de Ramsay, Willielmus de Monte alto, Alanus de Moravia, Douenaldus Campbell, Ioannes Camburn, Reginaldus le Chen, Alexander de Seton, Andreas de Lescehne, & Alexander de Straton, cæterique Barones & Libere tenentes, ac tota Communitas Regni Scotiæ, omnimodam Reverentiam filiolem, cum devotis pedum osculis beatorum. Scimus, sanctissime Pater & Domine, & ex antiquorum Gestis & Libris colligimus, quod inter cæteras Nationes egregias, nostra scilicet. Scotorum Natio multis Præconis fuerit insignita : Quæ de majori Sythia per mare Tirenium, & Columnas Herculis transiens, & in Hispania inter ferocissimos, per multa temporum Curricula, residens, a nullis quantumcunque Barbaricis poterat alicubi subjugari ; Indeque veniens, post mille & ducentos annos a transitu populi Israelitici, sibi sedes in Occidente quas nunc obtinet, expulsis Britonibus, & Pictis omnino deletis, licet per Norwegienses, Danos & Anglos sæpius impugnata fuerit, multis sibi Victoriis, & Laboribus quamplurimis adquisivit ; ipsasque ab omni servitute liberat, ut priscorum testantur historiæ, semper tenuit. In quorum Regno, centum & tresdecem Reges de ipsorum Regali Prosapia, nullo alienigena interveniente, regnaverunt. Quorum Nobilitates & merita, licet ex aliis non clarent, satis tamen patenter effulgent, ex eo quod Rex Regum Dominus IESUS CHRISTUS, post Passionem & Resurrectionem suam,

ipsos in ultimis Terra sinibus constitutos quasi primos, ad suam Fidem sanctissimam, convocavit : Nec eos, per quemlibet in dicta fide, confirmari voluit, sed per suum primum Apostolum, quamvis Ordine secundum vel tertium, sanctum Andream meritissimum beati Petri Germanum, quem semper ipsis præesse voluit ut Paroonum. Hæc autem sanctissimi Patres & Prædecessores vestri sollicita mente pensantes, ipsum Regnum & Populum, ut beati Patri Germani peculium, multis favoribus & privilegiis quimplurimis muniverunt. Itaque Gens nostra, sub ipsorum protectione, libera hætenus deguit & quietæ ; donec ille Princeps Magnus Rex Anglorum Edwardus, Pater istius qui nunc est, Regnum nostrum Acephalum, Populumque nullius mali aut doli conscium, nec Bellis aut Insultibus tunc assuetum, sub amici & confederati specie, innumerabiliter infestavit : Cuius Injuria, Cædes & violentias, Prædationes, Incendia, Prelatorum Incarcerationes, Monasteriorum Combustiones, Religiosorum Spoliationes & Occisiones, alia quoque Enormia, quæ in dicto populo exercuit, nulli parcens Etati aut Sexui, Religioni aut Ordini, nullus scriberet, nec ad plenum intelligeret, nisi quem Experientia informaret. A quibus malis innumeris, ipso juvante qui post vulnera medetur & sanat, Liberati sumus per serenissimum Principem, Regem & Dominum nostrum, Dominum Robertum, qui pro Populo & Hæreditate suis, de Manibus inimicorum liberandis, quasi alter Maccabaus, aut Iolue Labores & Tædia, Inedias & Pericula, Læto sustinuit Animo : Quem etiam Divina Dispositio, & juxta Leges & Consuetudines nostras, quas usque ad mortem sustinere volumus, juris Successio, & debitus nostrorum Consensus & Assensus, nostrum fecerunt Principem atque Regem. Cui tanquam illi per quam salus in Populo facta est pro nostra Libertate tuanda, tam Jure quam Meritis tenemur, & volumus in omnibus adhærere. Quem, si ab inceptis desisset, Rex Anglorum aut Anglicis nos, aut Regnum nostrum volens subicere, tanquam inimicum nostrum, & sui nostrique Juris Subversorem statim expellere nitentur ; & alium Regem nostrum, qui ad defensionem nostram sufficeret, faciemus : Quia quamdiu Centum vivi remanserint, nunquam Anglorum dominio aliquatenus volumus subjugari. Non enim propter Gloriam, Divitias aut Honores pugnamus, sed propter Libertatem solummodo, quam nemo bonus nisi simul cum vita amittit. Hinc est, Reverende Pater ac Domine, quod Sanctitatem vestram, cum omni Precum instantia, Genu flexis Cordibus exoramus ; Quatenus sincero corde, menteque pia recensentes, quod apud eum cuius vices in terris geritis, non sit pondus, & pondus nec distinctio Judei & Græci, Scoti aut Anglici, tribulationes & angustias nobis & Ecclesiæ DEI illatas ab Anglicis, paternis oculis intuentes ; Regem Anglorum, cui sufficere debet quod possidet, cum olim Anglia septem aut pluribus solebat sufficere Regibus, monere & exhortari dignemini, ut nos Scotos in exili degentes Scotia, ultra quam habitatio non est, nihilque nisi nostrum cupientes in pace dimittet. Cui pro nostra procuranda quiete quicquid possumus, ad statum nostrum respectu habito, hoc facere volumus cum effectu. Vestra enim interest, Sancte Pater, hoc facere, qui Paganorum feritatem, Christianorum culpis exigentibus, in Christianos



severientem aspicitis, & Christianorum terminos arctari indies: Quare ne quid vestrae Sanctitatis memoria derogat, & si, quod absit, Ecclesia in aliqua sui parte vestris temporibus patiatur Ecclesiam aut Scandalum, vos videritis. Exhortet igitur Christianos Principes, qui, non causam ut causam ponentes, se fingunt in subsidium Terrae sanctae, propter guerras quas habent cum proximis ire non posse: Cujus impedimenti causa est, vereor, quod, in minoribus proximis debellandis, utilitas propior & resistentia debiliior aestimantur. Sic quam laeto corde dictus Dominus Rex noster, & nos, si Rex Anglorum nos in pace demitteret, illuc iremus; qui nihil ignoret satis novit: Quod CHRISTI Vicario totique Christianitati ostendimus & testamur. Quibus si Sanctitas vestra Anglorum reatibus nimis credula, fidem sinceram non adhibet, aut ipsis in nostram confusionem favere non desinat; corporum excidia, animarum exitia, & cetera quae sequentur incommoda, quae ipsi in nobis, & nos in ipsis fecerimus, vobis ab altissimo credimus imputanda. Ex quo sumus & erimus in his quae tenemur, tanquam obedientiae filii, vobis tanquam ipsius Vicario in omnibus complacere; ipsique tanquam summo Regi & Judici, causam nostram tuendam committimus: Cogitatum nostrum iustantes in ipso, sperantesque finem, quod in nobis virtutem faciet, & ad nihilum rediget hostes nostros. Serenitatem & Sanctitatem vestram conferret altissimus Ecclesiae suae sanctae per tempora duraturna. Datum apud Monasterium de Aberbrothock in Scotia, sexto die Aprilis, Anno Gratiae millesimo trescentesimo vicesimo, Anno vero Regni Regis nostri supra dicti, quatuordecimo.

This answers likewise Ragman's Roll; nor are we to consider who consented to Slavery: Since it is known that not only the Douglass, the Grubame, and Wallace, but Thousands of others, never yielded even to that short Impression: And their Country preserved its Privileges, by their Loyalty; it being an undoubted Principle in Law, That in re pari potior est conditio prohibentis, & in re communi nemo dominorum juri quicquam facere potest invito altero, l. subimus ff. ad exhibendum.

To that Argument by which it is urged, That our Kings did never assume the Title of Kings of Scotland, but called themselves only Kings of Scots, It is Answered, That the Argument is very Ridiculous; for first it is founded upon a false Supposition, it being most evident from our Writs in the Reign of King David the Maiden, that our King was entituled, Rex Scotiae; but in the Confirmation of the Abbacy of Aberbrothock, King William is called Rex Scotiae, and his Queen Regina Scotiae. Likewise in that Register, there is a Charter granted by King John of England, wherein ad petitionem Willielmi Regis Scotiae, he grants a Liberty to the Monks of Aberbrothock, to Transport their Goods through England, free from Customs: And Matth. Par. in many Treatises recited by him, gives them that Title: And Pope Innocent the III. in an express Rescript in the bo-

dy of the Canon Law cap. 4. decret. de immunit Eccles. writes Innocentius III. Illustri Regi Scotiae, which behoved to be to King William, who did reign in that Popes time. Nor is this Argument from the Designation concluding, since it is not convertible; For even Feudatory Kings did, and do assume their Designation from the Kingdom they hold, as the Kings of Naples, Sicily, &c. Which evinces that it follows not necessarily, that the Kings of these Kingdoms were Feudatory Kings; because they were designed Reges Scotorum, and not Scotiae. And in many places of his History Matth. Paris calls the Kings of England, Reges Anglorum, as in the whole Lives of King John, Henry the III.

It appears also, by the former Transaction betwixt Edward the I. and the Governours of Scotland, that Margaret is even by the King of England, constantly Designed Regina ac Domina Scotiae: And I observe, that in the Contract of Marriage, betwixt Henry the VII. for his Daughter Queen Margaret, and James the IV. that sometimes the King of Scotland is called Rex Scotorum, and sometimes Rex Scotiae, in the same Paper; and the Commission granted by the King of Scotland, for completing that Marriage, is called Commissio regis Scotiae pro matrimonio; in all which Contract, the King of Scotland is called, Charissimus noster frater, a Title never granted to a Feudatory King by his Superiour, and the People of Scotland, are there called Subditi Regis Scotiae, whereas if the King of Scotland, had been only a Feudatory Prince, we had been Subjects to the King of England, and not to the King of Scotland. And there needs no other Argument against Heylen, to prove that the Kings of Scotland, were oft-times called Reges Scotiae, than the Instance brought by himself, of the Charter granted by King Edward the I. to Peter Dalghe, wherein Baliol is confessed by himself to be called Roy de Escoffe, King of Scotland: And this proves that the said Heylen lays down Grounds, which are not only false, but inconsistent. But secondly, though this were true, yet it proves nothing; seeing the Goths and Picts were a free People; and yet their Kings were called Reges Pictorum & Gothorum, which Phrase was ordinary amongst Conquering Nations, such as the Scots were, whose Princes having at first no fixed Kingdom, did, whilst their People were spreading themselves in Colonies, rather assume a Title from the People, than from their Country. And seeing Men are Vassals and not Land, it will follow, according to the Terms used by Feudalists, that seeing our Kings were Reges Scotorum, that therefore the Men were not Vassals; and so they hold not their Land of the Crown of England, nor were ejus subvassalli, aut Valvassores.

The Argument urged from many Decisions in England, finding that we were punishable as Traitors in England, and that we were lookt upon as Subjects and not as Aliens, by their Judges, deserves no other Answer, then that since their Kings by their Power, could not make us Vassals, nei-



ther could their Parliaments or Judges treat us as such; And if their Gown-men could have made us such, they needed not have imployed Arms to have shed so much Blood in the Quarrel: Nor can such Domestick Testimonies prove in a case of so great importance. And yet even the *English* Proceedings against those of our Nation shows, that their own Judicatories and Lawyers, consider us not as Vassals, but as the Subjects of a free and independent Kingdom. And amongst many other Instances, I shall only remember that of *Queen Mary*, against whom that Nation proceeded not as a Vassal, but as a person who had made her self lyable to their Jurisdiction, *ratione loci delicti*. Which is very clear by *Zouch. de judicio, inter gentes, part. 2. sect. 6.* whose very words I have here set down, to prove not only this, but that the Kings of *Scotland* were *absoluti*, and equal to, and independent from those of *England*, being both *pares & absoluti principes*, His words are, *Erant boni rerum Estimatores, qui asperius cum illa actione firmabant, eo quod fuerit Principis libera & absoluta, in quam solius Dei sit Imperium, quod in maiestatem peccare non posset, cui subdita non fuerit quod par in parem non habeat potestatem, unde iudicium Imperatoris in Robertum Siciliae regem, irritum pronunciatum est, quia Imperio ejus non esset subditus. Alii aliter censebant, illam scilicet, subditam esse etsi non originariam, tamen temporariam; Quia duo absoluti principes quoad auctoritatem, in uno Regno esse non possunt; parem in parem habere potestatem, quoties paris iudicio se submiserit, vel expresse verbis, vel tacite contrahendo, vel delinquendo, intra paris scilicet jurisdictionem, & Papam sententiam Imperatoris in Robertum Siculum rescidisse, quod factum in territorio Imperiali non fuerit, sed Papali. Denique nullum magnum extare exemplum, quod non aliquid ex iniquo habeat.* And in the Process against the Bishop of *Ross*, as it is related both by the Foreign Lawyers, and by *Cambden*, it clearly appears that he was proceeded against, not as a Subject of *England*, but as a meer stranger, who not being subject *ratione originis*, became subject *ratione delicti*, as they alleadged. And the Learned Author of the late *jus maritimum*, pag. 451. having spoken of the Jurisdiction of *England* over *Ireland*, has these words, “ But in *Scotland* it is otherways, for “ that is a Kingdom absolute, and not like *Ireland*, which is a Crown annexed by Conquest, “ but the other is by Union: And though they “ be United under one Prince *ad fidem*, yet their “ Laws are distinct, so as they had never been “ United; and therefore the Execution of the “ Judgements in each other, must be done upon “ Request, and that according to the Law of “ Nations. Nor need I answer the Argument brought from the procedure, against the Heroick *Wallace* and others, for these Instances show rather an excessive resentment upon present Hostilities, then the Justice of those, who against the Law of Nations, proceeded to murder such as were indeed Prisoners of War, fighting for their

own Native King and Country: And even the *English* of that age, by entering into Truces, Ransoming of Prisoners, and doing all other things (which are only allowable in a just War) may convince all Mankind, that in this and the like Instances, they succumb'd to the bitterness of their present Passion.

I must here also crave Leave to assert, That though Vassals are not to be treated as Aliens, yet we find very frequently in History, that whole Nations have been Naturalized, and have had all the Priviledges of Subjects communicated to them, without being Vassals or Subjects: And thus the *Pelopidae* were naturalized *Persians*, by *Artaxerxes* King of the *Persians*, and allowed to enjoy all their Priviledges, in remuneration of the great Services done by them to the *Persians*, as *Plutarch* observes in the Life of *Pelopidas*: And thus the *Athenians* communicated their Priviledges to the *Rhodians*; and the *Latins* to the *Romans*, as *Livius* observes lib. 25. And it is very clear, that the like was done by the *English* to us, by a Statute of *St. Edward*, which is yet extant in a Book called *χαριστονομία* published by *William Lambert*, anno 1568. And Ratified by the Conquerour, amongst the good Laws of that Prince, as *Hollenshead* observes. Amongst others who are to be reputed of the same Nation with the *English*, we find the *Scots* mentioned in the Statute; for which two Reasons are given in it, *quia omnes ferme Scoti proceres ex Anglis conjuges ceperunt, & ipsi rursus ex Scotis, & sic facti sunt duo in carne una*; That is to say, Because most of all the *Scotish* Nobility did take Wives of *English* Extraction, and the *English* of *Scotish*.

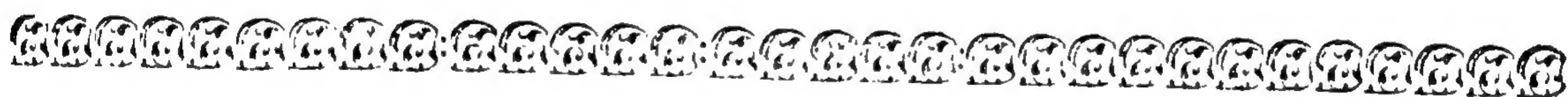
The second Reason added in that Statute is, *quia simul & in unum contra Danos & Norwegos atrocissime pugnaverunt*. And it is very well known to such as understand History, that untill these late and unhappy Wars, occasioned by the Shires of *Northumberland*, *Westmorland* and *Cumberland*, the *Scots* assisted the *English* in all their Wars; especially, as that Statute says, against the *Danes* and *Norwegians*, by whom they were called by those Invaders, to share in the Victory; but they refused the offer, and fought near two hundred Years against these Usurpers: In which Wars, they are said to have lost two Kings, with an hundred thousand Men; all which the *Scots* might have prevented, by suffering the *Danes* to pass peaceably to *England*, through their Territories. And it is observable in the Histories of both Nations, that the *Danes* were never expelled from *England*, till they were first beat in *Scotland*; till at last they were forced to swear, that they should never return into this Isle; and in Return of which Assistance, we got from *England* this Priviledge in the same manner, that *Lewis* the XII. communicated to us a general Naturalization in *France*, with all the Priviledges competent to the Natives of that Kingdom, when we were forced to associat with it, to secure our selves against the Invasions of our old friends.



*Advertisement from the Author, to be subjoynd to the third Chapter of the Precedency.*

Being desired to prove, that from Chronology it is impossible, that *Kenneth III.* King of Scots, did row *Edgar* King of the *English* Saxons over the *Dee*; I prove it thus: *Kenneth* the III. did not Succeed to the Crown of *Scotland*, till the Year 977. At which time, *Ethelred*, *Edgars* youngest Son, did Reign in *England*: *Ethelred* having begun his Reign, Anno 975. two Years before *Kenneths* coming to the Crown of *Scotland*. It is also remarkable, that *Heylen* relates, that the King of *Scotland* was ordained at the Council of *Constance*, to precede the King of *Castile*, as being one of the five absolute Monarchs; which was inconsistent with his being a Tributary, or Homager Prince. This was done in Presence of the King of *Englands* Ambassador, who reclaimed not, as certainly he had done, if the King of *Scotland* had been Vassal to his Master. By all which we see how solidly *Heylen* writes upon this Subject. And the learned *Speed* doth in his History of *Great Britain* most Solidly, and Modestly, in many Parts thereof, clear us from this pretension; and especially in the Life of *William* the Conqueror, who, to clear Marches between *Scotland* and *England*, did set up a Cross at *Stranmoor*, with the Arms of *England* on the South side, and the Arms of *Scotland* on the North side; The King of *Scotland* doing only Homage for *Cumberland*. And in the Life of *Edward* the First, when some of the Great Men of *Scotland* waited on *Edward* in *Northumberland*, in the Controversie betwixt the *Bruce* and *Baliol*; he says, that *Edward* made then claim to the Superiority of *Scotland*, alledging that the Crown

of *Scotland* was holden of him. To whom the Scots replied, that they were ignorant, that any such Superiority belonged to the King of *England*, neither could they make answer to such things without a King, &c. And that thereupon the King delivered to them his Letters Patents, in which he acknowledged, that the coming of those Scots on this side the Water of *Tweed*, should not be at any other time urged to prejudice them, for coming again into *England*; That is, (says he) that their example should not so be drawn to an Argument of King *Edwards* right over them, as if they were to come again upon Duty: So prudently jealous (says this Author) were these Patriots of their Countries Liberty. And a little after, he acknowledges, that King *Edward* was then Plotting this Homage, because *Scotland* wanted a Head. He also confesses, that *Baliol* lost the love of the Scots, by the Homage he had made, and that by Letters to King *Edward*, he did afterward renounce this Homage as being contrary to his Oath, as extorted by violence, and as being made without consent of the three Estates. And speaking of King *Edwards* big Oath, as that he swore by the Lord, he would consume all *Scotland* from Sea to Sea, if he heard any more debate in that; adds, that the Scots did boldly enough reply, that in this Cause they would shed their blood, for defence of Justice, and their Countries liberty. And further, in the Reign of *Edward* the Third, he observes, that this short lived pretence, was renounced by that King, who quitted *Scotland* of all claim and pretence of right to the Superiority thereof, and delivered up the Roll, called *Ragmans* Roll, wherein were contained the Names of those few Scots who had been forced to acknowledge this Superiority.



## CHAP. IV.

*The Debates betwixt the Kings of POLE, SWEDEN, DENMARK, &c. and other Princes.*



HE King of Sweden pretends to Precedencie from the other two; and *Nohlen* in his *Treatise of Nobilitie*, chap. 9. num. 107. leaves the Precedencie betwixt Sweden and Denmark to be dubious: And

though some prefer the Dane as a Member of the Empyre, grafted therein in anno 1542. Yet others think him, upon that account, the less preferable, because he is thereby in a manner no free and Sovereign Prince; *Peter* King of Denmark having really become Vassal to *Fredericus 1.* Emperour, *Otto. Fris. lib. 2. cap. 22.* But *Pontanus* relates that the Emperour did upon this account give him the right hand, and thereby preferred

him to Sweden. I find also in the Council of *Basil*, that *Ravallus* Arch-bishop of *Upsale*, did claim Precedencie to his Master the King of Sweden from all the Christian Princes, he being the true Succellour of the *Gothish* Kings, who exacted Tribute even from the Emperours and Kings of *France*. Both *Denmark* and *Sweden*, claim the Precedencie from the King of *Pole*, as an Elective and Limited Monarch: And in the Ceremonial of *Rome*, *Pole* is placed after the other two: And it is undenyable, that *Sigismund* King of *Swed*, being chosen King of *Pole*, he did in all his Papers prefer always the Title of *Sweden* to that of *Pole*.



The King of *Pole* has debated for Precedency with the King of *Portugal*, in anno 1557. But at *Rome*, Pope *Julius* the second, preferred *Portugal*: And yet the Debate was renewed under *Charles* the fifth, In whose Reign, both their Ambassadors meeting in his Court at Church, and the Ambassadors of *Portugal* having posselt the first place, the other made a sign, as if he would have spoken in private with him, at which the *Portugal* rose, whereupon the *Polonian* run in to his seat, *Hottoman de Legat. lib. 3. cap. 21.*

The King of *Hungarie* contests for Precedency with the King of *Pole*: But in the interview betwixt *Maximilian* the Emperour, *Sigismund* King of *Pole*, *Uladislaus* King of *Hungarie*, and *Lodowick* King of *Bobemia*, in anno 1515. the King of *Pole* was preferred to walk on the Emperours right hand. But this Controversie being renewed at the Council of *Trent*, They, as all other Kings were ordained to take place, not according to their Dignities, but according to the date of the Production of their Commissions in the Council.

The King of *Hungarie* argues for the Precedency from the King of *Bobemia*: Because, amongst the Emperours Titles, *Hungarie* is set down before *Bobemia*; But *Bobemia* oppons the Golden-bull of *Charles* the fourth Emperour, Wherein it is ordained, that in all Acts which concern the Empire, *Bobemia* shall preceed all other Kings: So that it seems that the King of *Hungarie* ought to preceed in all things not relating to the Empire; But that *Bobemia* is to preceed in all that relates thereto.

There are other Sovereigns who are not Crowned-heads, Such as *Savoy*, *Mantua*, *Florence*, *Ferara*, *Parma*, *Venice*, who Debate also their respective Precedencies in this manner.

The Duke of *Savoy* is by *Pius* the Fifth, Declared to be the first Prince of *Italy*, And in the Chappels of *France*, *Venice*, &c. gets the first Stall, And as King of *Cyprus* pretends to be ranked amongst the Crowned-heads: But it may be admir'd why the Duke of *Savoy* takes the Title of Royal Highness; For, if he be King of *Cyprus*, he ought to have the Title of Majesty; and if he be not King, Royal Highness is not due to him. And the Duke of *Mantua* did contend with him, though his Competition was not sustained, *vid. Crus. pag. 511.* And though the Title of Eminencie was bestowed upon the Dutcheess of *Mantua*, by *Ferdinand* the second; Yet that was a Complement bestowed by the Emperour, rather with respect to her Sex, and her Relation to the Imperial Family, then to the true Dignity due to her as Dutcheess of *Mantua*, *vid. Linneum, Jur. pub. lib. 5. cap. 14.*

The Duke of *Florence* was still preferred to the Duke of *Ferara*, by *Charles* the fifth, And *Port. lib. 4. Resp. Juris. 167.* confesses, That *Florence* was acknowledged to be first, by the Emperour, by *Rome*, and by *France*: But yet *Paul* the third considering that the Dutchie of *Florence* was onely erected in anno 2531. Whereas the Family of *Est*, were raised to be Dukes by *Paul* the third, 1452. and were declared Dukes of *Ferara* by the Emperour, 1454. did therefore prefer *Ferara* to *Florence*.

## CHAP. V.

### The Precedencies amongst Common Wealths.



It cannot be denied, but that Kings and Crowned-heads have the Precedency from Common-wealths; though they contend that they being the Freest of all Men, are the Noblest; And being in Effect a Countrey of Kings, ought to be preferred to any one King: Especially, since their Government is elder then that of Kings, Men having drawn themselves into Societies, before they either submitted to Kings who assum'd that Government by Force, or Elected Kings, because they could not agree amongst themselves.

There are some Common-wealths who claim Precedency, as having right to Kingdoms: And thus *Venice* claim'd the same Precedency with Crown'd-heads in the Popedom of *Urban* the VIII. and *Innocent* the V. because they had right to the Kingdom of *Corsica*; But this was denied.

*Genoa* contended with *Venice* for Precedency at the Coronation of the King of *Cyprus*, 1373. but that King preferred *Venice*: And to extinguish these Differences amongst the Common-wealths of *Italy*, *Venice* is by Opinion of all Lawyers, preferred to all the Common-wealths of *Italy*, *Calesat. de Equestr. dignit. n. 124. Crus. de preced. pag. 536.*

*Genoa* and *Sienna* did also contend, anno 1530. at the Coronation of *Charles* the V. but the Debate was not then decided: And yet *Crus. pag. 545.* prefers *Genoa*.

The *States General* contend with *Venice*, and all other Common-wealths, as being more powerful, and being a Society of Common-wealths. They pretend also to Precedency from all the Princes of the Empire, as being more Independent then they, and being equal to Kings; Whereas these Princes are but Subjects, which is delicately Debated by *Besold. de Preced. cap. 2.* But



But yet the present Emperour has preferred the Electors to all Ambassadors of Common-wealths, by an expresse Ordinance related in *Crus.* p. 545. And now *Holland*, as having a Kindness for the Empire, Treats the Ambassadors of the Electors, as those sent by Crowned-heads: And in return of that Kindness, the Electors Treat such as are sent from *Holland*, with the same Respect, *Memor. Ambassad.* pag. 523.

Of old the Duke of *Savoy* did preceed the Common-wealth of *Venice*: But *Emanuel Philbert* Duke of *Savoy*, during the Oppression he lay under from *Charles* the V, put himself under the protection of *Venice*, and became a Son of *St. Mark*; And thereafter, as the Father behov'd to preceed the Son, the Dukes of *Savoy* yeelded to *Venice*: And as that Duke pretends Right to the Crown of *Cyprus*, by the Marriage of *Anne* of *Cyprus*, and the Donation of *Charlot* of *Cyprus*: So *Venice* pretends Right to the same Crown by the Donation of *Catharine Cornara*, Widow to *James* King of *Cyprus*. The Difference is now thus settled, That *Venice* shall Treat the Ambassadors of *Savoy*, as they do these of Kings, with the title of Excellency, And *Savoy* shall allow *Venice* the Precedency, *Memor. Ambassad.* pag. 347.

*Mazarin* treated the Ambassadors of the Common-wealth of *England*, as those sent from Kings, *Mem. Ambassad.* pag. 334.

The *Cantons* of *Swisse* were even of late a part of the Empire: But by the Treaty betwixt the Empire and the King of *Swed*, 1648. they are declared Free States, *Et in possessione seu quasi possessione libertatis, & exemptionis ab Imperio*. And now their Ambassadors' or Envoys take place after the *Venetian*, and *States General*. And albeit *Norden de Stat. Nobil.* Thinks that if they were called to sit with the States of the Empire upon any extraordinary Occasion, they were not to be preferred to the Princes of the Empire, and much less to the Electors: For *licet jura Principum habent passive & materialiter, Principes tamen non sunt formaliter & active*. Yet other Lawyers prefer them to all the other States and Princes of the Empire, except the Electors, *Crus.* pag. 556. The *French* King treats them with the title of *Magnifiques Seigneurs*: And though their Deputies could not prevail with the *French* King, in anno 1602. and 1603. to be covered when he received them; Yet I conceive, that now they will be received as the Ambassadors of *Holland* or *Venice*, who are covered at their Reception, since in anno 1646. they are acknowledged to be a Free State.

The *Grison* Ambassadors were received in anno 1627. as the Ministers sent by the Princes of the Empire, and with the same Honours.

## CHAP. VI.

### Of the Precedency of the Electors and the Princes of the Empire.



AMONGST the Princes of the Empire, the Electors are still preferred: Which Electoral Colledge (though said to be Founded by the Emperour *Otho* the III. and Pope *Gregory* the V. anno 997.) yet it is

more probable, that the said Constitution arose from the great Difficulties under which the Empire was Sunk, after the Death of *Frederick* the II.

Amongst the Electors, the Ecclesiasticks are preferred to the *Laicks*.

The Ecclesiastick Electors, are, the Arch-bishops of *Mentz*, *Cullen*, and *Treves*, whose Precedency amongst themselves was first Determined by *Charles* the IV. So as that the Bishop of *Treves* was to sit just over against the Emperour; The Bishop of *Mentz*, was to take place in all his own Dyocie, and in all *Germany*: Whereas the Arch-bishop of *Cullen*, was to take place in all his own Dyocie, and in *Italy*, and *France*. And of old in the Election of the Emperour, the Bishop of *Mentz* was preferred as Arch-chancellour of *Germany*: The Arch-bishop

of *Treves* as Arch-chancellour of *France*: The Arch-bishop of *Cullen* as Arch-chancellour of *Italy*; Which Order was confirmed by *Frederick* the First, anno 1158.

The Secular Electors are Ranked thus, by the *Golden-bull* of *Charles* the IV.

The Duke of *Saxony* carries the Sword, immediately in all Processions before the Emperour: The Count-Palatine the Imperial Aple, walking on the Emperours Right hand: The Marquess of *Brandenburg* the Scepter, on the Left hand; And the King of *Bohemia* was to follow him immediately. But when they sit at any Solemnity, by the same Bull, The King of *Bohemia* (being a Crowned-head) was to sit first, upon the Emperours Right hand, after the King of the *Romans*, and the Arch-bishops of *Mentz* and *Cullen*: And upon the Left, after the Ecclesiastick Electors, the Duke of *Saxony* had the first place, and the Marquess of *Brandenburg* the second. But yet I find *Beutherus*, and other *German* Lawyers, contend from old Manuscripts, That at first *Brandenburg* had the Precedency from the Electors, *Palatin*, and *Saxony*.

The



The Duke of *Bavaria* did of old Contend with the Duke of *Saxony*, in *anno* 1521. and their Debates continued by Protestations for many Years; And with the Elector *Palatin*, till the Emperour *Lewis* the IV. ordained the *Palatin* and *Bavaria* to preceed one another alternately: Though since the late Warres of *Germany*, the Elector *Palatin* having Usurped the Crown of *Bobemia*, the Duke of *Bavaria* was made the first Elector in his place, the Elector *Palatin* being now the last of the Electors.

It is also observable, That if any of the Electors themselves be present, they are preferred to the Ambassadors, and Representatives of all the

absent Electors; as was Decided in *anno* 1654. Excepting onely the Ambassadors of *Austria*, and the Ambassadors of Foreign Kings, were still allowed to take place from all the Electors, except the King of *Bobemia*, in all the Solemnities of the Empire. But the Ambassadors of Common-wealths having claimed the same Precedency. The Emperour *Leopold* has Decerned against them, in favours of the Electors, *Crus. lib. 4. cap. 4.*

The eldest Sons of the Electors preceed all the other Princes of the Empire.

The Arch-dukes of *Austria* have the first Seat next to the Electors.



## C H A P. VII.

### Of the Precedency of Church-men.



Need not debate the Differences that have fallen in amongst the Patriarchs of *Rome*, *Constantinople*, *Antioch*, *Alexandria*, and *Jerusalem*: Those of *Rome* and *Constantinople* having claimed Precedency, because their See

were the Seats of the *Roman* and *Grecian* Empires; Those of *Jerusalem* claiming preference, because the chief Priesthood was once settled there; Those of *Antioch* claiming Precedency, because *Antioch* was the first Seat of Christianity, as is clear by the 11. Chapter of the *Acts*; And those of *Alexandria*, pretending that they were equal to the *Roman* Patriarch, at least, because *Alexandria* was the chief City of the *East* before the building of *Constantinople*, and the Church thereof being by *Euseb. lib. 11.* said to be *ἡ πρώτη αὐτῶν ἐκκλησία. vide, Salmas. de Primat. pap. cap. 12.* Thus far did Precedency invade even Religion, and raise Emulation amongst those who pretended to be the greatest Paterns of Humility.

The *Roman* Patriarch was by *Phocas* the Emperour raised above all the rest, in the year 606. since which time they have raised themselves by several Degrees to the *Papacy*, though it cannot be denied but even before that time, the Bishops of *Rome* had the first Seat in all Councils, as is clear by *Justinians Novella. 131. cap. 2.* And in the Council of *Nice*, *Adrian* Bishop of *Rome* had *προκαθεδρία*: But the *προεστία*, Or the Power of preceeding did still belong to the Emperours, as hath been fully cleared by *Crusius* and others: And though it be pretended, that *Constantine* the Great did from Christian Humility, prefer the Successour of *St. Peter* as *Vicar* of *JESUS CHRIST* to himself; and that in the Canon Law, *cap. Constantinus 14. Dist. 96.* the Emperour *Constantin* is brought in acknowledging him-

self to have led the *Popes* Bridle, and in the Famous Ceremonial of *Rome: Fol. 21.* the Emperour is allowed no higher place then the *Popes* Foot-stool; Yet *Frederick* the I. Emperour did contentiously Debate this Precedency with *Adrian* the IV, since which time it hath been variously acquiesced in by *Popes* and *Emperours*. And though the Legats be Representatives of the *Popes*, yet *Tbuan* tells us, *lib. 98.* That the Learned *Brissonus* President of the Parliament of *Paris*, would not suffer the *Popes* Legat to preceed him. And at the Coronation of *Charles* the V, the *Popes* Legat was denied the Precedency from the Electors.

The Cardinals have Debated for Precedency with the Patriarchs, though by the *Novella, 132. c. 2.* *Justinian* places Patriarchs next to the Pope: And *Panormit. in cap. antiqua X de privileg. & excess. Prælat.* prefers the Patriarchs to the Cardinals; and now by the Concession of *Sextus Quintus*, that Pope, hath raised the Cardinals to an equal Degree with Kings, and if Kings be present at Table, or other Solemnities with Cardinals, If there be but one King, he is to sit after the first Cardinal Bishop, and if there be more Kings, they sit mixtly with the Cardinals, first a Cardinal and then a King: But though this holds amongst Popish Princes, yet the Authour of *Les Memoirs des Ambassadeurs* does Observe, That *Leicester*, *Grotius*, and the other Ambassadors of *PROTESTANT* Princes never yeilded Precedency to Cardinals, till *Lockhart* Ambassadour from *Cromwel* yeilded it to Cardinal *Mazarine*; where he likewise observes, That though the Prince of *Condie*, yeilded the Precedency to Cardinal *Rechlien*, yet the Count of *Soisson* refused it.



The Bishops of *Scotland* preceed in this manner.

Arch-bishops of { *St. Andrews,*  
*Glasgow.*

Bishops of { *Edinburgh,*  
*Galloway,*  
*Dunkel,*  
*Aberdeen,*  
*Murray,*  
*Rosse,*  
*Brechin,*  
*Dumblane,*  
*Caithness,*  
*the Isles,*  
*Argyl,*  
*Orkney.*

I find by Letter in *Anno 1625.* that before King *James's* going into *England*, the Marquesses of *Scotland* did take place from the Arch-bishops; But now the Arch-bishops take place from all Dukes and Marquesses, in imitation of *England*: And by a Letter in *Anno 1626.* renewed in *Anno 1664.* The Arch-bishop of *St. Andrews* is to take place from all Subjects, which is to be limited, as not to exclude the King's Children, and Brothers as I conceive; And *de facto* the Arch-bishops of *St. Andrews* ceds to the Chancellour, since the Letter.

The Bishops of *England* Preceed thus,

Arch-bishops of { *Canterbury,*  
*York.*

Bishops of { *London,*  
*Durham,*  
*Winchester.*  
*St. Davids,*  
*Ely,*  
*Norwich,*  
*Hereford,*  
*Salisbury,*  
*Peterborough,*  
*Carlisle,*  
*Worcester,*  
*Rochester,*  
*Landaff,*  
*Lincoln,*  
*Bangor,*  
*Exeter,*  
*Chichester,*  
*St. Asaph,*  
*Oxford,*  
*Lichfield and Coventrie,*  
*Bristol,*  
*Glocester,*  
*Chester,*  
*Bath and Wells.*



## CHAP. VIII.

### *General Observations concerning the Precedency of Subjects.*



**N**OBILITY is divided with Us, as in *England* in *Nobiles Majores & Minores*, the Greater and the Lesser Nobility: Under the Greater are comprehended all such as are Lords of Parliament: Under the Lesser are comprehended Knights and Gentlemen. And though all these be not Peers of Parliament, yet they are all Peers to one another: And thus a Gentleman may be offered to a Dukes Daughter, whose Ward and Marriage falls to the King, as has been often decyded, nor can that Match be refused upon the Account of Inequality: And it hath been found, that though Noblemen must be judged by their Peers, yet Landed Gentlemen may pass upon their Allyse; and a Nobleman is obliged to accept of a Challenge from a Gentleman as his Peer, where Duels are Lawful. Under the Word Barron all our Nobility are comprehended, as is clear by the 81. *Aët. Parl.* 14. *Jac.* 2d. And the Inscription of the first Parliament of K. *Ja.* 5th. where the Parliament is said to be holden *per Regis & Regni tutorem una cum Prelatis Baronibus & Burgorum Commissariis.* Albeit the

Parliament of *Rob. 1.* was *cum Episcopis, Abbatibus, Prioribus, Comitibus, Barronibus, & aliis Magnatibus*, which shews, that there were other *Magnates infra Barrones.* It may be Doubted, Whether the younger Sons of Dukes, Marquesses, &c. are to be Ranked *inter Nobiles majores*, since they sit not in Parliament: Or *inter Nobiles Minores*, since they are designed Lords, and take place from many of the *Nobiles Majores.*

The Sons of the Kings of *France* were all Kings, and Sovereigns in the first two Races; Because according to the old *German* Custom, the few Honours were divided equally amongst the Sons: As now all the Sons of a Duke are Dukes there, &c. But thereafter all the other Children, except the Eldest, got onely Place and Precedency according to their Offices or Dignities, until *Philip de Valois* Succeeded as Prince of the Blood in a remote Degree: After which, the *French* thought fit to give Precedency to those, who might one Day be their King: And so all the Princes of the Blood got Precedency from all Subjects.

With Us the Kings Children, Uncles, and Nephews, onely had Precedency from all Subjects; And in *SCOTLAND* no remoter Degree preceed



ceed as Princes of the Blood: For the Families of *Hamiltoun, Kingborne, Fintrie*, and others are Descended from Our Kings by lawful Marriages, but had no Precedency upon that Account.

The first place next to the King is due to the Prince of SCOTLAND amongst Us, who is likewise Duke of *Rothesay*; as the second Son is Earle of *Ross*, that being an Appanage inseparable from him by Act of Parliament: But at present his Royal Highness is with Us Duke of *Albany*, as he is Duke of *York* in *England*.

It has been doubted, Whether the King's Son, Uncle, Nephew, &c. have the Precedency from the King's Officers in the actual exercise of their Office, as at Coronations, Riding of Parliaments, in which it is the *Constables* priviledge to ride upon the King's right Hand, and the *Maribals* on his Left, in his return from the Parliament House: The Reason of which Difficulty is, because these are Acts which follow the Office and not Blood, and the Nature of the Action requires that they should be posted, where they may be most serviceable. I find likewise that this hath been Debated in *France*, whereupon in *Anno 1576. Henry the III.* emitted an Ordinance in Favours of the Princes of the Blood: And with Us, his Royal Highness the Duke of *York* at His *Majesties* Coronation preceeded all the Officers.

Amongst the Princes of the Blood, the Last descended from the Royal Family has still Precedency accordingly: But though this hold in the Branches, yet the Eldest of the same Branch will preceed all that Branch, and thus the Prince *Palatins* Grand-Child would succeed to the Crown before Prince *Rupert* his Brother, though Prince *Rupert* be several Degrees nearer.

I find that of old all Church-men were Ranked together, and were first Ranked before all Laicks: And thus the Parliament of King *Robert the I.* was *habito Solemni tractatu cum Episcopis, Abbatibus, Prioribus, Comitibus*; and even before the Kings Sons, Brothers, or Nephews. Thus King *Robert the I.* grants a Charter to the *Abbacy* of *Aberbrothick*, Confirming a Ratification made to them be *Lundie*, wherein the Witnesses are, *Reverendis Waltero & Gilberto Episcopis, &c. Davide Duce Rothesay, Comite de Carrick, Carissimo nostro Filio primigenito Roberto Duce de Albania Comite Fyffe & Fratre nostro*: And even the Abbots and Priors were Ranked before them, and when any of them were Officers of State, they were named according to their Ecclesiastick preferments: Thus *Jacobo Sancti Andreae Episcopo Galvino Archiepiscopo Glasguensi Cancellario nostro*. And in the Session when it consisted of half Church-men, half Laicks, the Church-men sat on the Chancellors Right-hand, and Voted first: But it does not follow from these Instances, that therefore of old any Church-man did take place from the Kings Son, no more then that a Bishop took then place of an Earl, because he was named before them.

The Archbishop of *St. Andrews* was by a special Letter in *Anno 1626.* and Renewed in *January, 1664.* Declared to have the Precedency from

the Chancellor, and all His *Majesties* Subjects: In time of Popery, he was *Legatus natus*, and both then and now he is *totius Scotie Primas*; But though by this Letter he is Ordained to take the place of all Subjects, yet I think it would not give him place from the Kings Sons, Uncles, and Nephews, though they be likewise Subjects: since the Word Subjects must be here Interpret according to the Custom of Nations, by which these near Relations of Princes are preferred to all other Subjects. The Nobility of *Scotland* were either Declared such by Feudal Erections, their Lands being Erected by the King in a Dutchy, Earldom, &c. which did of it self make him a Duke or Earl, in whose Favours the Lands were so Erected; Or else they got Patents of Honour, Declaring them Dukes, Earles, &c. and this is a much later way, none being Nobilitated by Patents amongst Us before King *James I.*

The third way of Nobilitating with Us, is by Creation and Solemn Investiture, the whole Form whereof will in all its Ceremonies be best known by the following Narration.

*The Form of the Creation of the Marquess of Hamilton, and Marquess of Huntly, Tuesday the 17 of April, 1595.*

**I**N His *Majesties* great Chamber in the *Abbey of Holy-rood-house*, where the like Ceremony was wont to be done, being richly hung with Tapistry, five Stages or Degrees of Timber were Erected; One for His *Majesty* on the *West-side*, whereon His *Majesties* Chair of State was set under the pale of Honour; One for the Duke; One for the Earles; One for the Lords; and One for the Knights: There was also before the Throne a Table covered with Cloth of Gold, whereon was laid the Sword, Scepter, and Crown, the Noblemen attending the Ceremony in their respective Seats in their Robes, and His *Majesty* in His Rob-Royal, being placed in His Chair, the Queen sitting by; The *Lyon* King of Arms, and Master of Ceremonies, with the Heraulds and Pursivants in their Coats, and Trumpets sounding, brought in before His *Majesty* these two Noblemen, *viz.* The Earles of *Arran* and *Huntly*, the first conveyed be the Duke of *Lennox*, and the Earl of *Mar*, the second be the Chancellor, and Earl of *Caithnes*. Thereafter the *Lyon* asked His *Majesty*, If His *Majesty* would be pleased to promote these Noblemen to further Honours: His *Majesty* answered, Yes. Then the *Lyon*, Master of Ceremonies, with Heraulds, Pursivants, and Trumpets, Conveyed them into the Green Council-chamber, where they were Devested of their Comital Robes, and Vested in the Habit of a Marquess, And so were again conveyed to His *Majesties* presence thus,

The Ordinary Macers that attend the Chancellor and Session making place:  
*Master of Ceremonies.*

Trump-



Trumpets sounding with the Noblemens Colours at their Trumpets,  
Pursivants in their Coats;  
Heralds in their Coats;

Four Gentlemen for each of the Persons to be Created, bearing their Honours, viz. For my Lord Arran, Robert Hamilton of Goslington, the Penon; Alexander Hamilton of Fenton, the Banner; Claud Hamilton of Shawfield, the Marquess Crown; John Campbell of Ardkinlas, the Patent. For my Lord Huntly, John Ogilvy of the Craig, the Penon, John Crichton of Frendraught, the Banner; Mark Ker of Ormiston, the Crown; Alexander Gordon of Strathdon, the Patent.

*Lyon* King of Arms.

The two Earles conveyed be the forenamed Noblemen in their respective Robes, and Crowns on their Heads:

Coming before the King they made their Reverence; Then they were led up by the Master of Ceremonies some steps, and sitting down on their Knees on Velvet Cushions, the *Lyon* made an Harrangue, both to His Majesty and to them, Declaring to the Noblemen, That it pleased His Majesty to promote them to that Dignity, and that he desired them to Fear GOD, and obey His Power: Then he took their Oaths, that they should obey GOD, his Majesty, and maintain the Religion then profest. Thereafter the *Lyon* delivered to His Majesty the Patents, and His Majesty redelivered them to the *Lyon*, who gave them to the Noblemen, in token that they should obey GOD and His Majesties Laws: Afterwards, the *Lyon* delivered His Majesty the Marquesses Coronets, His Majesty redelivered them to the *Lyon*, the *Lyon* put the Crowns on their Heads, saying, John Marquess of Hamilton, Earl of Arran, Lord Even, &c. George Marquess of Huntly, Earl of Enzie, Lord Gordon, and Badzenoch, &c. The same was Proclaimed furth of the Windows by the Heralds and Pursivants, with sound of Trumpet: Then were they conveyed to their Seats, and placed above the Earles, upon the Kings left Hand, Trumpets sounding.

The *Lyon* desired His Majesty to Honour the Gentlemen, who bare the Honours, with the Honour of Knight-hood, His Majesty consented: The *Lyon* caused them to sit down on their Knees at the foot of all the Stage, and after he had made an Exhortation to them, and received all their Oaths, they holding up their Hands, and promising to obey all the Injunctions, The *Lyon* presented the Sword to His Majesty, who stroke each of them therewith on the right Shoulder, and Sir offered the Spur, the *Lyon* first proclaiming their Styls, and after the Heralds and Pursivants at the Windows with sound of Trumpet.

I find this Difference in the Creation of many Earles from what is here set down, That the four Gentlemen bear the Honours thus, The first, the Penon; the second, the Standart; the third, Sword and Belt; the fourth, the Crown; and lastly, the *Lyon* bear the Patent in a Velvet Bag:

And that the *Lyon* offered first to His Majesty the Sword and Belt, and receiving it back, put it on the Person Nobilitat.

As also when the King was not present, and after his going to *England*, the Ceremony was performed by His Majesties High Commissioner, if there was one at the time; Or otherwise, a Writ was directed to the Lord Chancellor appointing him Commissioner for that Creation, And then the first thing that was done after the Person to be Created was brought in, the *Lyon* gave the Patent to the Commissioner, who gave it to the Register, or Clerk of Council to be read. And I observe this in all Our old Creations, that if the Person to be Dignified was a Lord formerly, he was conveyed in by two Lords, and the Ceremony of the new Creation being over, was conveyed to his place by two of that degree to which he was advanced.

The *English* Nobility are sometimes Created by being called in a Write to Parliament, under the Designations of Earles, Viscounts, &c. Which way is unknown to Us in *Scotland*, though the King may introduce it at His pleasure.

*The Precedency amongst Subjects is thus Established in both Kingdoms.*

Dukes of the Blood Royal,  
Other Dukes according to their Creation,  
The Eldest Sons of Dukes of the Blood Royal.  
Marquesses according to their Creation,  
Dukes Eldest Sons,  
Earles according to their Creation,  
Marquesses Eldest Sons,  
Dukes Younger Sons,  
Viscounts according to their Creation,  
Earles Eldest Sons,  
Marquesses Younger Sons,  
Barrons whom we call Lords,  
Viscounts Eldest Sons,  
Earles Younger Sons,  
Barrons Eldest Sons,  
Barronets,  
Viscounts Younger Sons.

*But the Officers in England are by Act of Parliament, Henry the VIII. thus Ranked:*

Lord Chancellour,  
Lord Thesaurer,  
The Lord President of the Privy Council,  
The Lord Privy Seal.

These Four being of the Degree of a Barron, or above, shall sit in Parliament and all Assemblies of Council, above Dukes not being of the Blood Royal.

The Lord Great Chamberlain,  
The Lord High Constable of *England*,  
The Earl Marissial of *England*,  
The Lord Admiral of *England*,  
The Lord Great Master or Steward of the House,  
The Lord Chamberlain of the Household.



These last Six, and the Kings principle Secretary, take place according to their present State; So that if they be Barrons, they take place above all Barrons; If Earles, above all Earles; If Dukes above all Dukes.

By a Decree and Establishment under the Great Seal of *England*, 1<sup>o</sup> *Jacobi*, the following Persons are thus Ranked,

Knights of the Garter,  
Knights of the Privy-Council,  
The Master of the Wards and Liveries,  
The Lord Chancellor, and Under-Theasurer of the Exchequer,  
The Chancellor of the Dutchy,  
The Chief Justice of the Kings Bench,  
The Master of the Rolls,  
The Chief Justice of the common Pleas,  
The Chief Barron of the Exchequer,  
The other Judges and Barrons of the degree of the Coif,  
The Younger Sons of Viscounts,  
The Younger Sons of Barrons,  
The Barronets.

The Precedency amongst Our Nobility differs nothing from what is here set down, *England* and We agreeing in all points since the Union of the two Kingdoms; And especially since the Coronation of King *Charles* the I. at which time, he Declared he would have it so: But to prevent Differences betwixt the Nobility of both Kingdoms, it was Ordered, That all those of the same Degree in *England*, should in *England* take place from all those of the same Degree in *Scotland*; And all those of the same Degree in *Scotland*, should in *Scotland* take place of the *English*: That is to say, All the *English* Dukes should take place in *England* of all the *Scots* Dukes; And all the *Scottish* Dukes in *Scotland*, should take place of all the *English* Dukes, which was very Just and Suitable to the Laws of Nations.

But as to the Ranking of Our Officers, We differ much from *England*: For clearing whereof, it is fit to know, That with Us there were Officers of the Crown, and Officers of State: The Officers of the Crown were all designed of *Scotland*, as *Constabularius Scotiæ*, &c. In King *Malcolm* the II. his Parliament; the Offices then Extant were, the Chancellour, the Justice General, the Chamberlain, the Steward, the Constable, and Marishal; and they are thus Ranked and have their Respective Fees. But by the *Act*. 31. *Parl.* 11. *Ja.* 6. the Offices of the Crown are Declared to be, the Thesaurer, Secretar, the Collector, (which Office is now joyned with the Thesaurers) the Justice General, Justice Clerk, Advocate, Master of Requests, Clerk of Register: And though these be called Officers of the Crown there, I conceive they differ not from the Officers of State; And these Words Officers of the Crown, and Officers of State are now Equipollent Terms, so far that all the Officers of State are Officers of the Crown by this *Act*: But the High Chamberlain, Constable, Admiral, and Marishal, are Of-

ficers of the Crown, but are not Officers of State; The speciality of Officers of State being, That in all Acts or Meetings which concern the State, they sit as Members by Vertue of their Office, as in Parliaments, Conventions, &c. where the Chamberlain and Admiral come not as such, nor the Constable and Marishal if they were not Earles.

The Officers of State have oft contended for Precedency amongst themselves: And therefore King *James* did in Privy Council, upon the 17. of *June*, 1617. Declare, That in that and all other Parliaments, none should sit as Officers of State, save eight, and though there should be more of the said Officers by Deputation, Division, or otherwise; Yet eight onely should sit, which eight he did thus Rank by Act of Council; Thesaurer, Privy-Seal, Secretary, Register, Advocate, Justice Clerk, Thesaurer-deput, Mr. of Requests: And yet His *Majesty* having appointed Sir *Archiebald Adchison* to be second Secretary, and he having contended that his place was to be next the principal Secretary; This was Opposed by the Register and Advocate, founding themselves upon the said Act of Council: It was answered thereto, That His *Majesty* might, notwithstanding of the said Act, have as many Secretaries as he pleased, and by that His *Majesty* was only Limited to eight Officers of State in Parliament; But that notwithstanding thereof, he might make use of any eight he pleased, and accordingly he had made use of the Chancellor, Collector, and Comptroller, as Officers of State in several Parliaments, notwithstanding that they are none of the eight Officers mentioned in this Act; Likeas K. *James* had appointed the Lord Chancellor, being a Nobleman, to sit amongst the Noblemen, and not as Chancellor, or an Officer of State: The Council did remit this Debate to the King.

I find that upon the 20. of *February*, 1623. the whole matter of Precedency amongst His *Majesties* Officers and Counsellors is thus Stated:

The Lord Chancellor,  
The Lord Thesaurer,  
The Archbishop of *St. Andrews*,  
The Archbishop of *Glasgow*,  
The Earls and Viscounts according to their Ranks,  
Bishops according to their Ranks,  
Lord Privy Seal,  
Lord Secretary,  
Lord Register,  
Lord Advocate,  
Lord Justice Clerk,  
Lord Thesaurer-deput,  
The Lords of the Session according to their Admission,

Barrons and Gentlemen, being Counsellors, according to their Admission.

It is observable from this Act, that Lords of the Session have Precedency from Privy Counsellors in *Scotland*, otherwise any Counsellor of an elder Admission would be preferred to them; And yet in *England*, Privy Counsellors are preferred to all the Judges, and even to the chief Justices: And with Us I find no Privy Council-  
lor



lor take place as such, from any Person whatsoever, which seems very strange; For since the Judicatur it self is placed before the Session, and that its President hath Precedency from the President of the Session, that therefore the Judges ought to preceed the Judges of the Session. 2<sup>do</sup>. Though the Lords of Session are Lords of Council and Session, yet there being Secret Councillors, gives them a greater nearness, and Argues a greater Trust: And in all matters of Precedency, these are the chief Topicks for Precedency. 3<sup>o</sup>. In Law Counsellours are called by the Emperour, *Pars Corporis nostri l. quisquis C. ad L. Jul. Majest.* And so to assault them was Treason, and is with Us. 4<sup>o</sup>. In France this Question betwixt the Members *Magni Concilii*, and the Senators of the Parliament of Paris, is Debated by Boerius, and he prefers the Counsellours; And in Sweden they have place from all the Nobility. 5<sup>o</sup>. The Lords of Privy Council have more supereminent power, then the Lords of Session: For they can stop the Precedor of the Justices, they can Adjourn the Session, they can grant Precognitions, moderat Punishments, &c. Notwithstanding of all which, such Respect has Our Kings to the Lords of Session, who Distribute Justice equally to the People, that they still preferred them to all the Subjects, except the Lords of Parliament, and their eldest Sons.

It has been contended by the younger Sons of Noblemen, That they ought to have Precedency from the Lords of Session; Because, says the second Son of an Earl, I have Precedency from the eldest Son of a Lord, and yet he has place from the Lords of Session, and it is a certain Rule in Precedency, That if I preceed you, I must preceed him who preceeds you: And if an Earles second Son, and a Lords eldest Son, and a Lord of Session did meet together, the Earles second Son could not preceed the Lords eldest Son, except he preceeded also the Lord of Session. To which nothing can be answered, save that the eldest Sons of Peers, being presumptive Peers, and such as will be Peers, It is fit that the Lords of Session, who have but a Temporary Precedency, should not preceed them.

But I find that though in England, the younger Sons of the preceeding Rank, take still the place from the eldest Son of the next mediæ, as the younger Sons of Dukes, from the eldest Sons of Earles, and the younger Sons of Marqueses from the elder Sons of Viscounts: And that all the Chain of Precedency is founded upon this Gradation, and that it seems that Nature has led Men to this Establishment; Yet the eldest Sons of Our Lords (Lord Barons) refuse to Cede to the second Sons of Earls, and it was so of old with Us, and that which may be given as a Reason for this, is, that it is unreasonable, That they who are to be Peers, and to have a constant Title, should Cede to such as have but a Temporary Honour; But if this Reason were sufficient, the younger Sons of Dukes should not preceed the eldest Sons of Lord Barons.

With Us the eldest Sons of Lord Barons are design'd Masters, as the Master of *Rosse*, &c. And of old the Uncles of Lords, after the Death of their elder Brother, though he left a Son, were called Masters, till the Nephew had a Son: For which I know no other Reason but that, because they wanted a Title, they took this: For their Father being Lord, there was no Degree below to take, as the elder Sons of Earles took that of Lord. And I believe, that thus the Word Master was given in England to meaner People, when their name was not known: For though the Word *Dominus* was refused by *Augustus*, as importing Slavery, which the Romans could not bear, rather then from a secret Impulse, as *St. Augustin* says, In respect Our SAVIOUR was then Born, who was the True Master, since *Sueton* tells, That *Tiberius* also refused this Title; yet in Complement even then such as were not known, were called *Domini*: *Obvius* (says *Seneca*) *si nomen non succurrit, Dominos salutamus*, and therefore with the Roman Slavery this Title grew from being a Complement, to be a Duty: And thus the Grecian Emperour was called *πατρις*, and the eldest Son *δεσποτης*: And from this Title of Master, came Meship amongst Us, which was given to all such as had not a special Title, as Lord, Sir, &c.

By Act of Parliament likeways, 14. May, 1661. The Lord President of the Session is Declared to have Precedency from the Register, Advocat, and Thesaurer-deput; And the Register and Advocat, are Ordained by the same Act to have Precedency from the Thesaurer-deput: But the Thesaurer-deput pretending that he is in effect Thesaurer in the Thesaurers absence, and not the Thesaurer-deput, and that the aforesaid Act of Parliament was in absence, he now pretends Precedency from both the Register and Advocat.

To the end the several Offices may be the better understood, It is fit to know that the Chancellor is in effect the first Officer in the Nation, and is by his Office, and by a particular Statute, President in all Courts, Act. 1. Parliament 1. Charles the II. which Act of Parliament was made to declare that he was President of the Exchequer, as well as of other Courts, this having been pretended to by the Thesaurer: He hath his Title not from the power of Cancelling, as the old Gloss says, That *Cancellarius est qui habet Officium scripta responsaque Principis inspicere, & male scripta Cancellare*; For it is not imaginable that he would take his Title from what he destroys, and not from what he does: But from the *Cancelli* and Barres, within which the Judges did sit inclosed, *απο των κυχλιδων* as is clear by *Cassiodor lib. 11. Epist. 1.* Those *Cancellarii* of old were in effect the Clerks, and the Chancellour is so called now, Because, he signs all the publick Papers, and Appends the Seal, *Ideo quod ad eum universa publicæ referrentur conscriptiones, ipseque eas annulo Regis sive Sigillo firmaret*, *Simaque lib. 1.* calls him *Questor Legum, Conditor Regalis, Consilii Particeps, Justitiæ Arbitr*: Which Names I conceive are given to them, because



*Novel. 114. Divina jussiones debent habere subscriptionem gloriosissimi Questoris, and many of the Novels are signed Questor Legum.*

I find that in the Laws of King *Malcolm Keanmore*, the Chancellour is placed before all the Officers, and sometimes many of the considerable Earles are placed betwixt him and the rest of the Officers: Thus King *Alexander* grants a Charter, *Testibus Willielmo de Bosco Cancellario meo, Malcolmno Comite de Fyffe, Alano Senescallo, Scotia, &c.*

Some think that there is a Difference betwixt *Cancellario meo*, whom they make Director of the Chancery, and *Cancellario Regni*, whom they make High Chancellour: And others make a Difference betwixt *Cancellarium Regni* & *Cancellarium Regis*, as *Spotswood* in his *History* observes. But I find that the High Chancellour is called *Cancellarius meus*, as in the foresaid Charter, and sometimes *Cancellarius* simply, and sometimes *Cancellarius Noster*, and sometimes *Regni*, and sometimes *Cancellarius Scotia*; And the same *Willielmus de Bosco*, is in the *Chartularies* of *Aberbrothick*, and *Culco*, or *Kelfo*, named under all these Designations.

I find the Director of the Chancery, was onely a servant to the Chancellour of old: For in King *Malcolms* time, amongst the Fees to be payed to the Chancellours Clerks, there is a Fee to be payed to his Clerks for the Breeves, which Breeves belong to the Director of the Chancery; And therefore *Skeen* does justly Observe, *hinc liquet Officium Directoris Cancellarie apud majores nostros ad Cancellarium pertinuisse*, and which is very clear by the Statutes of King *Rob. 2. cap. 1. vers. 3.*

I find that in these Laws, *Justiciarius*, that is to say, The Justice General is placed next the Chancellour, but afterward *Scotland* was divided in two Justitiaries, one upon the *South-side* of *Forth*, who was called *Justiciarius Lothanie*, and in old Charters *Judex Laudonia*: And the other on the *North-side* of *Forth*. The Justice General is now neither Officer of the Crown, nor Officer of State; But yet he thinks he ought to have Precedency from the President of the Session, the Justice Court being older than the Session; And being President of a supream Court, he is to preceed any Inferiour Member of any other Supream Court: And the King by Declaring that he advanced the Register, when he made him Justice General, has clearly signified, that the Justice General ought to preceed the Register: This place likewise has been generally possessed by Noblemen, and is the same with *Us*, that the Chief Justice of the Kings Bench is in *England*: And this Jurisdiction was amongst others possessed at *Rome*, by the *Præfæctus Prætorio*, who was their chief Magistrat.

The Justice Clerk by the foresaid Statutes of King *Malcolm*, appears to have been but his Clerk; And though by the foresaid Act of the 11. Parliament K. 7a. 6. The Justice Clerk be named before the Register and Advocat, yet that is only *ob continentiam causæ*, because they are set down, The Justice, Justice Clerk, and their Deputs. It

is Observable by that Act, that the Justice General is put after the Thesaurer and Secretary, and there the Justice Clerk is not made his Officer, as in the Laws of King *Malcolm Keanmore*. I find that *Alamus, Justiciarius Scotia*, Designs himself *Hostiarius* & *Justiciarius Scotia*, which shews that *Hostiarius* was a preferable Office: And this I take to be Commander of the Kings Hoast; For *Ostarius* is not written with an *H*, and is a meaner Office then Justice General: This Charter is granted in *anno 1253.* to the Abbacy of *Aberbrothick*, and though others may mistake the Ranking of a Mans Titles, yet the Bearer will carefully Rank his own Designations.

The third Officer named in those Laws is the High Chamberlain, *Camerarius Domini Regis*: And I find him in all the old Writes placed as Witness, before all the other Officers, next to the Chancellour. There was *Magnus Camerarius*, who was chief Judge over all the Burrowes; And there were other under Chamberlains, who are oftentimes Designed *Camerarii*, without the adjection of *magnus*; And I find in a Charter granted be *K. David*, in *anno 1495.* the witnesses are, *Alexandro Domino Huyme, magno Camerario nostro, Johanne Domino Drumond Justiciario nostro, Ricardo Murehead Secretario nostro, & Waltero Drumond nostrorum Rotulorum, & Registrari, ac a Consiliis.*

It is Observable, that the Officers were oftentimes named according to the quality of the Bearers, and not according to the Precedency of the Offices: But in the former Charter, *Dominus de Huyme*, and *Dominus de Drumond*, being of the same quality, the Chamberlain is put before the Justice General. This Office of Chamberlainry was possessed Heritably of late by the Dukes of *Lennox*, and the Badge was a Golden Key.

This Office is the same with *præpositus Sacri Cubiculi*, mentioned by *Justinian*, and equall'd by him to the *Præfæctus Prætorio*, and plac'd *inter illustres Palatinos*, or Counts of the Palace, And is now in *France* called *Grand Chambrier*, and was constantly possessed by the Family of *Burbon*.

I find the *Magnus Camerarius* placed before the Thesaurer in a Confirmation, *anno 1520.* to the Abbacy of *Aberbrothick*.

*Senescallus Domini Regis*, is next in these Laws, that is to say, The High Steward of *Scotland*, and *Allanus Senescallus Scotia*, is very Famous in all the old Charters, and he is still placed before the Constable and Marishal: And it appears that the High Steward, and the Steward of the Kings house were the same, for those Laws mention onely the Steward of the Kings house; but now the Prince is *Senescallus natus Scotia*: Under him are there placed the *Panitarius*, who commands over all the Bakers, And *Buttelarius*, who commands over all the Keepers of Taverns, &c.

I find the Lord *Souls* was *Buttelarius Scotia*, in the Letter before set down, directed from the Nobility of *Scotland* to the Pope, in the Reign of



of King *Robert the Bruce*; And I have seen a Charter, wherein *John* and *Thomas Murrays* Sons to the Governour of Scotland *Sir Andrew Murray*, were Designed *Panetarii Scotiae*, upon the Forfeiture of *John Cuming* Earl of *Monteith*, in anno 1348. which Earl of *Monteith* was formerly *Pannetarius*.

Next to these are named in the foresaid Laws, the Constable and Marishal: But now the Constable and Marishal take not place as Officers of the Crown, but according to their creation as Earles; The Reason whereof I conceive to be, because of old, Offices did not prefer those who possessed them, but they took place according to their Creation; whereas now the Privy Seal, and Secretary take alwayes place before all of their own Rank: But the Constable and Marishal, being now the onely two Offices of the Crown that are Heritable in *Scotland*, continue to possess as they did formerly: But in *France*, *England*, and all other places, the Constable and Marishal take place as Officers of the Crown; and it seems very strange, that these who Ride upon the Kings right and left Hand, when he returns from His Parliaments, and who guard the Parliament it self, and the Honours, should have no Precedency by their Offices; And yet I cannot deny, but that of old other Earles were placed before them, for in the former Charter granted by King *Alexander, Malcolm* Earl of *Fyffe* is placed before them.

And I conceive their Precedency has not risen of late to the same proportion with others; Because of late Our Armies have been commanded by other Officers, and so there was little use for the Constable and Marishal.

The Constable with *Us* in those *Northern Nations*, is the same Office that the *Comes Stabuli* was under the *Roman Empire*, which may be confirmed by two clear Testimonies of great Antiquity, one is of *Aimon. lib. 3. cap. 7. Landegesis Regalium prepositus equorum, quem vulgo Comes Stabuli vocant*; The other is from *Rhegino, lib. 2. Annalium Burchardum Comitem Stabuli sui (quem corrupte Constabulum appellabis) cum classe misit in Corsicam*: Though the Learned *Cujac.* does believe that this Title comes from the word *νοτεσβαλαι*, which signifies, a company of Men of War, *ad l. unic. de Comit. & Tribun. Scolar.* And there are some who derive it from the word *Koning*, which signifies a King; and *Staple*, which signifies a Hold, because some Constables were Commanders of the Kings Houses: But I find that the High Constable did command the Kings Armies, but was expressly Debarred from commanding either his Houses or Garisons, As *Poisseau* well Observes, *lib. 4. cap. 2.* Because, sayes he, It was a great power that one Man should command both the Army, and the Garisons: The Badge of his Office was and is a naked Sword, which in the *Roman Empire* was the Badge of the Office, *Præfetti Prætorio*, and *Trajan* giving the naked Sword to *Suro Licinius*, who was his *Præfetus Prætorio*, gave it with these words, *Pro me si mereor in me*; Which

words were thereafter put by *Buchanan* with a naked Sword upon the Money, coined during the Minority of King *James the VI.* The Constable with *Us* was by the Laws of King *Malcolm cap. 6.* Judge to all Crimes committed within twelve Miles to the Kings House or Habitation; Though *Skeen* observes, that the best Manuscripts bear onely two Leagues: But now his Jurisdiction is onely exercised either as to Crimes or otherwayes, during the time of Parliament, which some extend likewise to all general Conventions.

The *Marishal* is a *German* word and Office originally, as the Learned *Tillet* proves fully, a *Marker of Camps*, and the Ax which he bears as the Badge of his Office was that Instrument wherewith he did break the Ground, though now this part of his Office is Delegated to the *Marishal du Camp*. The Marishal commanded the Horse as *Tillet* proves, whereas the Constable commanded both: But yet Our Learned *Craig* calls the Constable onely *Præfetus Equitum*; And yet as *Tillet* observes, The Marishal was not under the Constable, else he could not be an Officer of the Crown: For it is essential to all Officers of the Crown, and Officers of State, to depend upon none but the King. Of old I find the Orders in Military cases run, to Our Constable and Marishal.

The Office of Marishal has never been out of the Family of *Keith*: But the Earles of *Athol* and several others have been Constables of *Scotland*; And therefore it is that the Earl *Marishal* hath no other Title; But the High Constable designs himself Earl of *Errol*.

We had no Knight *Marishal* in *Scotland* till King *Charles the First's Coronation*, in anno 1633. at which time it was Erected by a Letter to the Privy Council; by his Office he is to take place immediately after the younger Sons of Lords.

The Thesaurer is not mentioned amongst these Officers of the Crown under King *Malcolm Keanmore*, and of old it has been thought but an Office of the Kings House; For in a Confirmation granted to the Abbacy of *Aberbrothick*, in anno 1529. by K. *James the V.* after *Reverendissimis Episcopis*, and *dilectis consanguineis*, are enumerat as Witnesses, *dilectis Familiaribus nostris Roberto Bartan nostro Thesaurario & Computorum nostrorum Rotulatore*: Nor do I find a Thesaurer designed as Witness in any of the Kings Charters till then, though some foolishly think that *Pannetarius* was Thesaurer. And though the word *Familiar Counsellour* be now given to all Officers of State, who are not Earles, because they cannot be called *Cousins*; Yet of old it was onely given to those of the Kings own Family, and was derived a *Familia*, though now Familiar is thought to be the same with Intimate.

Till of late, Thesaurer, Comptroller, and Collector of the Augmentations were three different Offices, but now they are all joyned in one: Comptroller is in the old Registers called *Rotulator*.



The Privy Seal, and Secretary of State, are now alwayes the first of their own Rank, be Vertue of their Office; that is to say, If they be Dukes, they are the first Dukes, &c.

Of old the Secretary was a very Honourable Employment; For as *Cassiodor. lib. 1. epist. 4.* well Observes, *Honor hic datur egregiis, dum ad Imperiale Secretum, tales constat elegi, in quibus reprehensionis vitium non potest inveniri.* But yet I find the Secretary onely named in the former Confirmation, *inter Familiaries*: Of old I find he was Stiled, *Clericus Regis*, though some Interpret this *Clericus Regis*, to be either Clerk-Register, or the Kings Confessor, and Clerk to his Closet, and some that he was *Almoner*.

We have no Master of Requests now, that charge being swallowed up by the Secretaries Office; Their Office with Us was, as at *Rome*, To represent to the King the Complaints of the People, *Referendarii* sayes *Cassiodor. lib. 6. dolores alienos afferunt conquerentium vota satiant & per eos Judices corriguntur.*

I find that *Advocatus Fisci*, now Our Kings Advocat, or Attourney General was Dignified with the title of Comes, which is now Earle, *l. jubemus i. de Advoc. divers. jud.* and with the titles of *Clarissimus & Spectabilis*, which was only bestowed on the Chief Nobility, *l. 4. & 6. eod. tit.* and from this seems to have flowed Our calling them Lord Advocat; And the *French* calling them *Messire*, which title only the Chancellor and Advocat there get: Upon this Officer *Rome*, in the Reign of *Claudius* the Emperour, bestowed so much Honour, That he said, *Tantum Honoris & Autoritatis concessisse procuratori Cæsaris, ut eum suis Legibus adequaverit, volueritque ut quod ipse statuisset perinde ratum esset, ac si ab ipso foret constitutum*: And of old they were still of the Order of Knights; for *Tacitus* in the Life of *Agricola*, sayes, *utrumque avum procuratorem Cæsaris habuit quæ equestris Nobilitas est.* The Kings Advocat is with Us *Consiliarius Natus*, that is to say, Is by Vertue of his Office a Privy Counsellour, in a more peculiar way then the rest: For I find by the Records of Council in Queen *Maries* time, that the Register and Justice Clerk are expressly mentioned in the Commission of Council, but the Advocat is in all the Sederunts, though he be not named in the Commission. With Us, as in *France*, the Advocat is *Consiliarius natus*, that is to say, By his Office a Privy Counsellour; And though with Us it was not allowed to the Kings Advocat, till Sir *Thomas Hopes* time, that he should be present at the Lords advising of Causes, where the Advocat was not himself Interested; Yet I conceive in Causes which he pleads meerly upon the Kings Account, he ought to be present even when the cause is Advising: This was allowed *Advocato Fisci*, for *Trajan* writing to *Plinius*, Commands *eos adhibere in Consilium a Præsidibus cum de causa Fiscali agitur*, which Explains very well, *l. 7. de Jur. Fisc.* Where *si Fiscus alieni status controversiam faciat, Fisci Advocatus adesse debet, quare*

*si jine Fisci Advocato promunciatum sit dicitur Marcus rescriptit, nihil esse actum & ideo ex integro cognosci oportere*: Of which Office the Learned *Budens* gives this Character, *Magistratus is ejus id quem omnes suas actiones, Princeps, Populus, universi transcripserunt, asylum Legum, arx Justitiæ, innocentie vim passæ, aut Judicio circumventæ, propugnaculum, intercessor rerum malarum, suavor rerum bonarum, presentis semper animi, Actor, & Defensor, de sententia Juris & Equitatis.*

I find that though per *L. nemo C. de assessor.* No Man can be both a Judge and Advocat, yet the Kings Advocats in *France* have been allowed to be Judges at the same time they were Advocats; For it was thought that the Office of Kings Advocat, did Naturally participat both of the Judge and Advocat, and so was not inconsistent with the Employment of a Judge, *l. ult. c. de Advocat. Fisc.* and this was so Decided by the Parliament of *Paris*, in June 1605. And from this We probably in *Scotland* took Occasion a little after that time, to make Sir *William Oliphant*, and of late Sir *John Nisbet*, both Advocat and Lords of the Session.

The *Almoner* with Us has no Precedency for ought I know, though in *France*, *Le grand Aumosiuer* is thought to be an Officer of the Crown: He is very oft a Witness in all Our Charters granted be Our Kings, and some think that *Clericus noster* was *Almoner*.

I find that *Cockburn* of *Lanton*, who was also *custos magni Sigilli*, in the second Year of King *Robert* the III<sup>ds</sup> Reign, is made heritable *Officiarius nostri Parliamenti*, that is to say, Usher of the Parliament. The *Lyon* and he does Debate who shall go next to the King, or his Commissioner in Parliament and Conventions, The Usher pretending that if he behoov'd to go after the *Lyon*, he behooved to go before the Heralds, and so he behooved to walk between the *Lyon* and his Brethren which were not Decent, (though both in *England* and with Us, I find that several Degrees of Persons do in all Processions, walk between the *Garter* or *Lyon* and his Brethren Heralds.) Likeas, it is implied in the Nature of the Ushers Office, that he should immediately Usher him to whom he is Usher, but in *England* I find that at the Cavalcad, when His Majesty entred *London*, in anno 1660. and at His Coronation, *Garter* King of Arms did walk in the midst, having the Mayor of *London* on his Left hand, and the Knight of the Black-robe on his Right: And the Authour of *Les Memoirs des Ambassadeur* tells Us, That in anno 1629. at the Procession, for Celebration of that solemn Peace betwixt *France* and *Spain*, The King of Arms did walk immediately before the *French* King, *Le Roy d'armes marchant immediatement devant le Roy.* I am likewise informed that in *England*, the Precedency runs thus, King at Armes, Usher of the Black-robe, Master of Ceremonies, and after him the Gentlemen of the Privy Chamber.

The



The title of Duke came from *Dux*, a Leader and Commander of an Army, and was at first a title of Office, but is now a Dignity given by Kings and Princes to Men of Blood and good Merit; And with Us the Prince of Scotland (as is already said) is Duke of *Rothesay*.

The word Marquess was first appropriat to the Lords of the *Marches* and *Frontiers*, but is since become a title of special Dignity betwixt a Duke and Earle.

Earles came from the Saxon word *Ear-ethel*, which was abridged to *Ear-el*, and afterwards by Abbreviation *Earl*, with the Dutch called *Eorle*; And at this Day the Germans use the word *Grave* for it: They are in *Latine* called *Comites* with Us, because in the Roman Empire, *Comitatus* was called the Court of the Prince, *l. 43. de Testament. Militar. l. 13. ff. de re Militar.* and those who attended the Emperour were called *Comites*, or his Companions: They were appointed to be Governours of the severall Countreys of the Empire, which were from them called *Comitatus* or Counties, and Earles are to this Day designed Earles of such a Shire; But the Kings thereafter, being Desirous to have their Subjects depending immediately upon themselves, did appoint Sheriffs in their place to command the Counties, who are therefore still called *Vice-Comites*.

Some were likewise appointed to command Towns, and so these *Comites Urbium*, were of a meaner Degree, then the *Comites Provinciarum*; But now Earles who have their Designations from Towns, are in the same Degree with those who have their Designations from Provinces.

Counts *Palatin* were such as had Office in the Kings Palace, and had their Name *a Palatio*, as is clear by the whole titles, *C. de Palatinis sacrar. Largit. & tit. de Castren. Palatinorum peculio*: But it is fit to know that these Counts *Palatin*, or Officers of the Palace differed in the Roman Law from *Domestici*, for the *Domestici* these were properly and onely those who were of the Emperours Guards, as is clear, by *l. 3. c. de Protect. & Domestib.* and *Cujac.* upon that Law. The Counts *Palatin* in England were such as had Regal Power within their own Jurisdictions, nor do I in my Reading find any Counts *Palatin* in Scotland, save *Walterus Palatinus de Strathberne*, who design himself *Atholie & Cathanie Comes*; he gives his Lands of *Cortowby* to the Bishop of *Briehen*, in anno 1429. And I believe the Reason why We have so few Counts *Palatin* in Scotland, is, because Our Lords of Regality have the same Power; But properly the Officers of the Kings House are onely now what the *Comites Palatini* were of old.

For Regulating the Precedency amongst Earles and Lords with Us, King James the VI. did grant a Commission to some Noblemen in March 1606. who upon Citation did pronounce the following Decreet, according to which Decreet these Noblemen are at present Ranked, and if any of these Noblemen therein prejudged do Reclaim, they use to raise a Reduction of the said Decreet before

the Session, and Adject a Conclusion of Declarator, Craving it may be found and declared that they ought to have Precedency from the Noblemen whom they therein cite:

*This Decreet is from its Effect called the Decreet of Ranking, whereof this is the Tenor.*

AT Edinburgh the 5th of March, 1606. anent Our Sovereign Lords Letters directed, Makand mention; Forasmuch as His Majesty and the Lords of His Secret Council, considering the great contentions and differences, quills many times occurrit and fell out amongst the Nobility of this Kingdom of Scotland, anent the Precedency and Priority in Ranking and Voting in Parliament, and general Councils, and how that this their Contentions lay ever unremembred or agitat, but at the very instance of their Meeting at His Majesties Parliaments and Conventions, at whilk time there was greater matter of Impathment offered to the Estates to compone their Differences, then to intreat upon the principal Subjects, for whilk they were assembled: His Majesty and the said Lords, therefore being careful to have this Contention removed, and the contraversies and elists, whilks arises amongst the Nobility for that cause settled and pacified, wherethrow the Estates and Nobility being freed and relieved of such matter of Contention, they may in Peace, Love, and Amity, concur together, and Deliberat upon such Matters as shall be entreated and motioned in Parliament hereafter: His Majesty for this effect has given his Highnes Commission under the great Seal, to a Number of his Nobility, and who are most indifferent, and nowayes suspect of partiality, to convene and call before them, the hieil Noblemen of this Kingdom of Scotland, and according to their Productions and Verifications to set down every mans Rank and Place, as in the Commission foresaid, past under the great Seal at length is contained; and anent the Charge given to *Lodovick Duke of Lennox*, *John Marques of Hamilton*, *George Marques of Huntly*, *Patrick Earl of Orkney*, *George Earl of Caithnes*, *Alexander Earl of Sutherland*, *James Earl of Murray*, *Francis Earl of Errol*, *George Earl Marisbal*, *David Earl of Crawford*, *James Earl of Athol*, *John Earl of Montrose*, *James Earl of Perth*, *Earl of Monteth*, *Andrew Earl of Rothes*, *Alexander Earl of Dumfermling*, *Archibald Earl of Argyl*, *James Earl of Glencarn*, *John Earl of Cassils*, *Earl of Fellington*, *William Earl of Angus*, *William Earl of Morton*, *John Earl of Marr*, *Alexander Earl of Lathgum*, *Earl of Winton*, *Alexander Earl of Home*; *Simond Lord Fraser*, *Edward Lord Bruce of Linlosse*, *John Lord Forbes*, *Patrick Lord Glames*, *James Lord Ogilvy*, *Alexander Lord Spynie*, *Patrick Lord Gray*, *Laurence Lord Oliphant*, *John Lord Murray of Tillibarn*, *David Lord Scoon*, *James Lord Lindsey*, *Lord Sinclar*, *James Lord Balmerinech*, *Patrick Lord Lindors*, *James Lord Colvill of Culros*, *John Lord Fleyming*,



*Fleming, Alexander Lord Elphinstone, Alexander Lord Stuart of Ochiltry, Thomas Lord Boyd, Allan Lord Cathcart, Hugh Lord Lowdown, Robert Lord Semple, Lord Pasley, James Lord Abercorn, John Lord Maxwell, John Lord Harres, Robert Lord Sanchar, Lord Ross, James Lord Carlyl, Robert Lord Roxburgh, James Lord Hay of Yester, Lord Newbottle, James Lord Thirlstain, James Lord Torphichen, James Lord Borthwick, Thomas Lord Dirlton, Lord Seaton*; And the Tutors and Curators of the saids Dukes, Marquesses, Earles, Lords, if they any have, to have compear'd before the saids Lords Commissioned at an certain Day bygaine, and to have brought and produced with them such Writs Evidents, Documents, and Testimonies, as they have or can use for acclaiming that Rank and Place of Precedency and Priority challenged be them before others, To have been seen and considered be the saids Lords, Commissioners, and they to have heard and seen their Ranks and place of Precedency and Priority appointed and set down be them, according to their Antiquities of their Productions, and that whilk should be verified in their presence, and they and every one of them directed to take that place, whilk should be appointed and prescribed unto them be the saids Commissioners, as said is, Certifying, all such persons as should not compear themselves, or their Procurators in their Names, That the saids Lords, Commissioners, will go on forward in setting down every Mans Rank, according to that which should be verified as said is, and should proceed according to that which should be verified as said is, and should proceed according to the several Instructions given be His Majesty to the saids Lords Commissioners for this purpose, and the saids Lords Commissioners their Determination should stand in full force and effect, aye and while an Decreit before the ordinar Judge be recovered and obtained in the contrar; Likeas at more length is contained in the saids Lords Executions and Indorsations thereof, which being called, and divers Times and Dyets kepted to that effect; And the said *John Earl of Montrose, Alexander Earl of Dumfermling, Francis Earl of Errol, George Earl Marjbal, and Alexander Earl of Linlithgow*, Compearand personally, and the said *Alexander Earl of Sutherland*, compearand be Mr. *Robert Learmont* his Procurator, and the said *Earl of Marr*, compearand be Mr. *Thomas Hope* his Procurator, the said *David Earl of Crawford* compearand be *Laurence Scot* his Procurator, the said *Andrew Earl of Rothes* compearand be Mr. *David Aiton* his Procurator, the said *William Earl of Mortoun* compearand be Mr. *Thomas Learmont* his Procurator, the said *Earl of Monteth* compearand be *Graham* his Procurator, the said *Heugh Earl of Eglinton* compearand be *John Bell* his Procurator, and the said *John Earl of Cassils* compearand be *John Hamilton*, and *Gilbert Ross*, and the said *Andrew Lord Stuart of Ochiltry, James Lord Balmerinock, James Lord Abercorn* compearand personally, the said *Lord Lindsey*

of the *Byres* compearand be the said Mr. *Robert Learmont* his procurator, the said *John Lord Forbes* compearand be *James Fogo* his Procurator, the said *Patrick Lord Glames* compearand be Mr. *Patrick Sharp* younger his Procurator, the said *Patrick Lord Gray* compearand be *Patrick Whyllie* his Procurator, the said *John Lord Seaton* compearand be Mr. *William Livingston* his Procurator, the said *Allan Lord Cathcart* compearand be *George Angus* his Procurator, the said *James Lord Carlyl* compearand be the said *Robert Hamilton* his Procurator, the said *Robert Lord Sanchar* compearand be *Creighton* his Procurator, the said *James Lord Hay of Yester* compearand be Mr. *James Burchar* his Procurator, the said *John Lord Harres* compearand be *Corbal Cunningham* his Procurator, the said *James Lord Torphichen* compearand be Mr. *Robert Learmont* his Procurator, the said *Lord Thirlstain* compearand be *Thomas Fleming* his Procurator, the said *Alexander Lord Spynie* compearand be the said Mr. *Robert Learmont* his Procurator; And the hail remanent Lords and Earles particularly abovementioned, being oft-times called and not Compearand, divers Terms and Dyets assigned to them for this effect, the Writs, Evidents, Documents, and Testimonies produced be the saids Persons compearand, an every an of them acclaiming the Priority and Precedency before others, being divers times and at divers Dyets very diligently and exactly Sighted, Tryed, Examined, and Considered be the saids Lords Commissioners, and the saids Lords therewith being, as also with the Ranks and Places of such Earles and Lords as were Promoted and Created in His Majesties own time, well and throughly Advised; The saids Lords Commissioners has Decerned, Decreited, Appointed, and set down, and be these presents Decerns, Decreits, Appoints, and sets down the Ranks and Places following, to the hail Noblemen of the Kingdom, to be Keaped, Bruiked, and Possessed by them, in all Parliaments, General Councils, and publick Meetings hereafter.

In the first, The saids Lords Commissioners Discerns, and Ordains the Duke of *Lennox* to have the first place, the Marques of *Hamilton* the second, the Marques of *Huntly* the third, because be the custom inviolable observed in all Kingdoms the place of Honor amongst Nobility, is first in the Persons of Dukes, and next Marquesses, and then in the Persons of Earles, and Lords; and next unto them the saids Lords Commissioners, Discerns, and Ordains the Earles above written, to have Bruiked and Possessed their Ranks and Places, according as they are here written, Ranked, and set down, in Order following, *Viz. Angus, Argyl, Crawford, Errol, Marjbal, Sutherland, Mar, Rothes, Morton, Monteth, Eglinton, Montrose, Cassils, Caithnes, Glencairn, Burchan, Murray, Orkney, Athol, Linlithgow, Home, Peartb, Drumfermling, and Dumbar*: And tick-like, the saids Lords Commissioners Dicerns, and Ordains, the Lords particularly abovementioned, to have Bruiked and possessed their Ranks and Places, according as they are Written, Ranked, and set down



down in Order following, *Viz.* *Lindsey, Forbes, Glames, Fleyming, Salton, Gray, Ochiltrie, Catbcart, Carlyl, Sanchar, Yester, Semple, Sinclair, Harres, Elphinston, Maxwell, Oliphant, Lovat, Ogilvy, Borthwick, Rosse, Boyd, Torphichen, Pasley, Newbottle, Thirlestain, Spynie, Roxburgh, Lindors, Lowdown, Dirleton, Kinloss, Abercorn, Balmerinock, Murray of Tilbairn, Colvill, Culrossie, and Scoon.* And Decerns and Ordains, all Earles, and Lords particularly abovementioned, to Keep, Bruik, and Possess their Ranks and Places in all times coming, according to the Orders and Ranks abovementioned, now set down, Appointed and Prescribed to them, and to make no Question, Trouble, nor Plea in this Matter, to any appointed to have place and rank in the manner aforesaid. But prejudice alwayes to such Person or Persons, as shall find themselves or their Interests prejudged be their present Ranking to have recourse to the ordinar Remedy of Law, be Reduction before the Lords of Council and Session of this present Decree recovered; and of their due Place and Ranks, be Production of more Ancient and Authentick Writs, nor has been used in the Contrary of this Process, Summoning all such Persons thereto, as shall think themselves wrongously Ranked, and placed before them: And in the mean time this present Determination, to stand in full Force, Strength, and Effect, ay and while the Party Interested and Prejudged obtain Lawfully an Decree before the saids Lords of Council and Session as said is; And Ordains these presents to be Insert and Registrat in the Books of Privy Council, and an Authentick Extract thereof to be delivered to the Clerk Register, and another Extract to be delivered to the Lyon-herald, to be kept be them for the better Knowledge and Information of every Mans Ranks and Place, when the Occasion of their Ranking shall be presented. Extract *de libris Actorum Secreti Consilii, Act. 8. D. N. Regis, Per me Jacobum Primrose Clericum ejusdem sub meo signo & subscriptione manualibus.*

It is fit to know, that the Earl of Douglas was by Act of Parliament declared to have the first Vote in Parliament, and the carrying of the Crown, and leading of the Vanguard; But King James did in Anno 1582. prevail with that Earl, to suffer the Duke of Lennox to carry the Crown for that time, and in Anno 1632. There is a Charter granted to the said Earl in life-rent, and to his Son in Fee, *cum omnibus privilegiis, &c. & specialiter cum privilegio aciem ducendi, Coronam gerendi, &c.* But in Anno 1633. the said Earl being Created a Marquess, it is Declared by Act of Council, that he did quit privilege of having the first Vote in Parliament, upon his Promotion; And yet the Marquess of Douglas still pretends, that any such Renunciation could not have prejudged the Family, since the Granter of that Renunciation was onely a Life-renter, his Son having been in Fee.

I find there are some Titles of Nobility in England annexed to places, so that whoever is in possession of that place, has right to the Title: Thus

it was found in the case of the Lord Abergavenny, that he in possession of the Castle, ought to have the Title, albeit he be not Heir of Blood. Their Reason is, because it is a Barony-machiere, and it has been found, that Baronies and Castles situate upon the Borders of Scotland and Wales, belong alwayes to the Owners; the Words of the Tenour being *per servitium Patrie custodiendæ.* It is alleadged, as one of the Reasons in that case, that the Owners of Lands, holding *in capite & per Baroniam*, have Precedency, albeit they be not next Heirs.

The next Degree to the Earles is that of Viscount, in Latin *Vicecomes*; as being of old, Lieutenant to an Earl, *Vicecomites, olim dicibantur, quibus castri Dominus Vices suas committebat seu executionem Jurisdictionis.* But afterwards Our King gave not the Government of Counties, or Shires, to Earles, but appointed Sheriffs who depended upon their own Nomination; and were therefore called *Vicecomites.* In Bretagn Barons take Place from Viscounts; But there are no Viscounts in Germany, *Bourgrave* being in their place, *speculat. tit. de Vicecometatu & le Roque de nobilit. C. 83.* We had no Viscounts in Scotland before 1606. for by the aforesaid Decree the Lord is declared next to the Earl.

Barons according to Spelman, *sunt Clientes Feodales, & Vassalli Capitales, qui Pagos, Urbes, Castra, vel eximiam ruris portionem, cum Jurisdictione acceperunt a Rege;* And the word according to him comes from *Vir* or *Vi*, i. e. *robur belli*: But it is more probable that it comes from the Greek Word *βασις, gravis*, they being chosen wise, and discreet Men. With Us, all are called Barons who hold their Lands of the King *in libera Baroniam*, and who have power of Pit and Gallows; and of old they were all heritable Members of Parliament, as all Barons in England are, as is clear by *Act 52. Parl. 3. Jac. 1.* whereby all Barons are appointed to come to Parliament; and though this Act may seem to be abrogated by the 101. *Act Parliament 7. James the I.* whereby the Barons of each Shire are allowed to choose two wise Men to Represent them, which is the custom at this Day; Yet it is observable, that though by that Act they may for their conveniency choose two, yet they are by no express Law discharged to come in great numbers: And by the 78. *Act. Par. 6. Ja. 4.* no Baron that had below the Rent of 100. Merks, was to be compelled to come to Parliament, unless the King particularly wrote for him. And when Taxations were laid on by the Council, I find by the old Records, as particularly in October 1562. that Noblemen and Burgeses are called, but no Barons: The Barons and Noblemen having been then represented promiscuously, and that long after the Act of Parliament allowing them to send Commissioners. And this is the Reason, why Our old Barons, who are not Lords, and hold onely their Lands in free Barony, have Supporters in their Atchievement; and that with some reluctancy they yeeld the Precedency to Knights-Baronets, they being Originally heritable



heritable Counsellours to the King as Members of Parliament, and not Debarred. The several Degrees of Nobility before Treated of, did alwayes bear their respective Coronets, as in *England*, excepting the Lords, who had no Coronet till the Year 1665. There being a Warrant under His *Majesties* Hand, in *June* 1665. Allowing to the Barons or Lords of Parliament in *Scotland*, a certain Crimfon Velvet Cape, with a Golden Circle, decored with six Pearles on the Top, equally di-

stant one from another, which is the same with the Barons Coronet in *England*: But the figure of this Coronet on the margine of the principal Signator, is done far contrare to the words in the Body; The same having points like to that of the Earles, which has certainly been a mistake and ignorance in the Painter, and ought to be adverted to be the Lyon, and Heraulds: This Warrant is Registrat in the Books of Council, and in the Lyon Books.

*I have here set down for the Readers further Satisfaction, a List of all the Nobility at present in this Nation, their Sir-names and Principal Titles, And Titles of their Eldest Sons; With such Officers as have Precedency be Vertue of their Offices.*

The Duke of *Albany*, onely Brother to His most Sacred Majesty.

Lord Chancellour,  
Lord Treasurer,  
Lord President of the Privy Council,

} Lord Privy-seal,  
} Lord Secretary, } Above all of his Degree.

\* \* Nota. Stuart Duke of Lennox, was the premier Duke, but this Family is lately extinct.

#### D U K E S.

Hamilton Duke of Hamilton,  
Scot Duke of Buccleuch,  
Maitland Duke of Lauderdale,  
Lenox Duke of Lennox.

} Their Eldest Sons. { Earl of Arran,  
} Earl of Dalkeith,  
} Earl of Lauderdale,  
} Earl of Darnly.

#### M A R Q U E S S E S.

Gordon Marquess of Huntly,  
Dowglas Marquess of Dowglas,  
Graham Marquess of Montrose,  
Murray Marquess of Athol.

} Their eldest Sons. { Lord Gordon,  
} Lord Angus,  
} Lord Graham,  
} Lord Murray.

#### E A R L S.

Campbel Earl of Argyl,  
Lindsay Earl of Crawford,  
Hay Earl of Errol,  
Keith Earl of Marischal,  
Gordon Earl of Sutherland,  
Areskin Earl of Marr,  
Graham Earl of Airth, and Monteith,  
Lesly Earl of Rothes,  
Dowglas Earl of Morton,  
Areskin Earl of Buchan,  
Cunningham Earl of Glencairn,  
Montgomery Earl of Eglinton,  
Kennedy Earl of Cassils,  
Stuart Earl of Murray,  
Maxwel Earl of Nithisdale,  
Seton Earl of Winton,  
Livingston Earl of Linlithgow,  
Home Earl of Home,  
Drummond Earl of Perth,  
Seton Earl of Dumferling,  
Fleeming Earl of Wigton,  
Lyon Earl of Strathmore, and Kinghorn,  
Hamilton Earl of Abercorn,  
Ker Earl of Roxburgh,  
Areskin Earl of Kelly,  
Hamilton Earl of Haddington,

} Their Eldest Sons. { Lord Lorn,  
} Lord Lindsay,  
} Lord Hay,  
} Lord Keith,  
} Lord Strathnaver,  
} Lord Areskin,  
} Lord Kilpont and Kilbryd,  
} Lord Lesly,  
} Lord Aberdour,  
} Lord Auchterhouse,  
} Lord Kilmaurs,  
} Lord Montgomery,  
} Lord Kennedy,  
} Lord Down,  
} Lord Maxwell,  
} Lord Seton,  
} Lord Livingston,  
} Lord Coldingham,  
} Lord Drummond,  
} Lord Fyvie,  
} Lord Fleeming,  
} Lord Glames,  
} Lord Paslie,  
} Lord Ker,  
} Lord Pettinweem,  
} Lord Binning,

Lord



E A R L S.

Stuart Earl of Galloway,  
Mackenzie Earl of Seaforth,  
Ker Earl of Roxburgh,  
Hay Earl of Kinnoull,  
Campbell Earl of Lowdown,  
Crichton Earl of Dumfries,  
Dowglas Earl of Queensberry,  
Alexander Earl of Striveling,  
Bruce Earl of Elgin,  
Carnegie Earl of Southesk,  
Stuart Earl of Traquair,  
Ker Earl of Ancrum,  
Weems Earl of Weems,  
Ramsay Earl of Dalhousie,  
Ogilvy Earl of Airly,  
Ogilvy Earl of Findlath,  
Dalziel Earl of Cranwath,  
Livingston Earl of Callender,  
Lesly Earl of Leven,  
Ruthven Earl of Forth,  
Johnston Earl of Anandale,  
Maule Earl of Panmure,  
Murray Earl of Dysart,  
Hay Earl of Tweeddale,  
Carnegie Earl of Northesk,  
Bruce Earl of Kincardin,  
Lindsay Earl of Balcarras,  
Dowglas Earl of Forfar,  
Middleton Earl of Middleton,  
Scot Earl of Tarras,  
Gordon Earl of Aboyne,  
Boyd Earl of Kilmarnock,  
Cochran Earl of Dundonald,  
Dowglas Earl of Dumblaitan,  
Keith Earl of Kintore,  
Sinclair Earl of Caithness.

Their Eldest Sons.

Lord Garlies,  
Lord Mackenzie,  
Lord Newbottle,  
Lord Duplin,  
Lord Mauchlan,  
Lord Crichton,  
Lord Drumlanerick,  
Lord Alexander,  
Lord Kinlossie,  
Lord Carnegie,  
Lord Linton,  
Lord Nisbets,  
Lord Elcho,  
Lord Ramsay,  
Lord Ogilvy,  
Lord Deskford,  
Lord Dalziel,  
Lord Almond,  
Lord Balgonie,  
Lord Ettrick,  
Lord Johnston,  
Lord Maule,  
Lord Huntingtower,  
Lord Tester,  
Lord Rosehill,  
Lord Bruce,  
Lord Balneil,  
Lord Wendal,  
Lord Clearmont,  
Lord Alemoor,  
Lord Glenlivet,  
Lord Boyd,  
Lord Cochran,  
Lord Dowglas of Attrick,  
Lord Inverury,  
Lord Berrendale,

V I S C O U N T S.

Cary Viscount of Faulkland,  
Constable Viscount of Dumbar,  
Murray Viscount of Stormont,  
Gordon Viscount of Kenmore,  
Arbuthnot Viscount of Arbuthnot,  
Crichton Viscount of Frendraught,  
Seton Viscount of Kingston,  
Macgil Viscount of Oxenford,  
Livingston Viscount of Kilsyth,  
Osborn Viscount of Dumblane.

L O R D S.

Forbes Lord Forbes,  
Fraser Lord Salton,  
Gray Lord Gray,  
Cathcart Lord Cathcart,  
Sinclair Lord Sinclair,  
Dowglas Lord Mordington,  
Semple Lord Semple,  
Elphinstone Lord Elphinstone,  
Oliphant Lord Oliphant,  
Fraser Lord Lovat,  
Northwick Lord Northwick,

Ross Lord Ross,  
Sandilands Lord Torphichen,  
Lesly Lord Lindors,  
Elphinstone Lord Balmerinoch,  
Stuart Lord Blantyre,  
Areskin Lord Cardross,  
Balfour Lord Burleigh,  
Drummond Lord Madderty,  
Cranston Lord Cranston,  
Melvil Lord Melvil,  
Napier Lord Napier,  
Fairfax Lord Cameron,  
Richardson Lord Crawmona,  
Mackay Lord Rae,  
Forrester Lord Forrester,  
Forbes Lord Pittligo,  
Mackenzie Lord Kircubright,  
Fraser Lord Fraser,  
Hamilton Lord Bargeny,  
Ogilvy Lord Bamsie,  
Murray Lord Elibank,  
Galloway Lord Dunkel,  
Falconer Lord Halkerton,  
Hamilton Lord Belhaven,  
Sandilands Lord Abercromby,



## L O R D S.

*Carmichal Lord Carmichael,*  
*Sutherland Lord Duffos,*  
*Rollo Lord Rollo,*  
*Ruthven Lord Ruthven,*  
*Colvil Lord Colvil,*  
*Mackdonald Lord Mackdonald,*  
*Bellenden Lord Bellenden,*  
*Lefly Lord Newmark,*  
*Rutherford Lord Rutherford,*

*Ker Lord Jedburgh,*  
*Weems Lord Bruntisland.*

¶ It is to be observed, that the eldest Sons of Viscounts and Lords are designed Masters by their Fathers Titles.

*Lord Thesaurer-deput,*  
*Lord Register,*  
*Lord Advocat,*  
*Lord Justice-Clerk.*

This is the Precedency stated by the present Rolls of Parliament, albeit it is not acquiesced in by all the Nobility: For the Earl of *Sutherland* contends with all the Earles who are ranked before him, and generally such as are dissatisfied with these Rolls, do protest whilst the Rolls are called, against such as they conceive are unjustly ranked before them. Sometimes also the Son has a different Precedency, from what was possessed by his Father; As the Earl of *Lothian*, who now as succeeding to his great Grand-father by the Mother, comes to have his Precedency next to the Earl of *Wigton*, though his Father taking place by a new Patent was ranked as in the above written Rolls. The Justice General pretends to the same Precedency with the Lord Chief Justice of the Kings Bench in *England*, by a Report made by the Lord Thesaurer in the Kings Name, the 17. June 1637. but neither is the Letter to which this Report relates extant, nor has he been in possession since. And it is fit to observe, that notwithstanding of what is said before, page 42. (by a Servants mistake) that the Lord Privy-seal takes place with us as in *England*.

The Order of Baronet in *Scotland* was erected for advancing the Plantation of *Nova Scotia* in *America*, and for settling a Colony there, to which the Aid of these Knights was designed. The Order was onely intended by King *James* the VI. before his Death, for in his first Charter of *Nova Scotia*, in favours of Sir *William Alexander*, 10. Septem. 1621. And in another Charter granted to Sir *Robert Gordon* of *Lochinvar* of a part of *Nova Scotia*, Designed the Barony of *Galloway*, 8 Novem. 1621. there is no mention made of this Order: So that the same was onely erected by King *Charles* the I. anno 1625. In the several Patents granted to Baronets, His Majesty did dispose to each of these Knights a certain portion of Land in *Nova Scotia*, erecting the same in a free Barony with great and ample Priviledges unnecessary to be insert here. And moreover, for their encouragement, did Erect, Create, Make, Constitute, and Ordain that Heritable State, Degree, Dignity, Name, Order, Title, and Stile of *Baronet*, to be enjoyed by every of these Gentlemen who did hazard for the good and increase of that Plantation: And so preferred them to that Order and Title, Creating them and their Heirs Male heritable Baronets in all time coming, with the Place, Preeminency, Priority, and Precedency in all Commissions, Breeves, Letters-patents, Namings,

and Writes, and in all Sessions, Conventions, Congregations and places, at all times and occasions whatsoever before all Knights, called *Equites aurati*, all lesser Barons commonly called *Lairds*, and before all other Gentlemen: Excepting Sir *William Alexander* His Majesties Lieutenant of *Nova Scotia*, who (with his Heir, their Wives and Children conform) is not onely excepted in each of these Letters-patents granted to the Knights, his Consorts; But likewise the Charter granted to himself by King *Charles* I. 1625. did bear expressly this exception and provision: As also, excepting Knights-Bannerets who should be Created under the Royal Standard in His Majesties Army, and in open War, the King himself being present, and that during the Bannerets life-time onely: And with Precedency before all of the same Order whose Patents are of a posteriour Date. His Majesty did moreover Declare, and Ordain, That the Wives of these Knights, and of their Heirs Male, should have the Precedency aswell after as before the deaths of their Husbands, if they should happen to survive, before the Wives of all those of whom the Knights, Baronets, and their Heirs Male had the Precedency, and even before the Wives of Knights-Bannerets before excepted; (the Degree of Baronet being heritable) And also that the Children Male and Female of the Baronets, should take place before the Bairns Male and Female respectively, of all persons of whom the Baronets and their Heirs Male had the Priority: And likewise before the Children of the Bannerets; and that the Wives of the Sons of the Baronets, and of their Heirs Male, should precede the Wives of all persons whom their Husbands might precede, and that aswell their Husbands being dead as living. And further, His Majesty did Declare, and Promise, That whensoever the eldest Sons and appearand Heirs Male of the Baronets should attain to the Age of twenty one Years, they should be by His Majesty and his Successours created, *Equites aurati*, or Knights Batchelours, without payment of any Fies or Dues for the same, providing they should desire it. But here it is to be observed, that some of the eldest Sons of Baronets pretend to the title of *Knight* at their Majority, by vertue of this Clause, without any previous desire or dubbing, which certainly is an error, for if they will not be at the pains to desire it of His Majesty, or His Commissioner, they should not assume it. Likewise His Majesty did Declare and Ordain, That the Baronets and their



their Heirs Male should as an additament of Honour to their Armorial Ensigns, bear either on a *Canton* or *Inescutcheon* in their option, the Ensign of *Nova Scotia* being *argent*, a cross of *St. Andrew azur*, (the Badge of *Scotland* counter-changed) charged with an *Inescutcheon* of the Royal Arms of *Scotland*: supported on the *dexter* by the Royal Unicorn, and on the *sinister*, by a Savage or Wild-man *proper*: and for the *crest* a branch of *Laurel*, and a *Thistle* issuing from two Hands conjoyned, the one being armed, the other naked, with this Ditto, *Munit hæc & altera vincit*. And that they and their Heirs Male should in all time coming have place in all His *Majesties* and His Successours Armies in the middle Battel, near and about the Royal Standard for defence thereof. And that they and their Heirs Male may have two Attenders of the Body for bearing up the Pale, one principal Mourner, and four Assistants, at their Funerals; And that they should be always Called, Intituled, and Designed be the name and title of *Baronet*, and that in all *Scottish* Speeches and writings, the addition of *Sir*, and in all other discourses and writings, a word signifying the same should be preponed to their names and other titles, and that the stile and title of *Baronet* should be postponed and subjoyned thereto in all Letters-patents, and other writes whatsoever, as a necessar addition of Dignity, and that each of them should be intituled, *Sir A. B. Baronet*, and his, and his Sons Wives, should enjoy the stile, title, and appellation of *Lady, Madam, and Dame*, respectively, according to the usual phrase in speaking and writing. And also His *Majesty* did thereby promise, That the number of the Baronets aswell in *Scotland*, as the new Colony of *Nova Scotia* should never exceed the number of 150. (albeit this number is at present somewhat augmented) and did likewise Declare, that He nor His Successours should never Create, nor Erect in time coming any other Dignity, Degree, Stile, Name, Order, Title, or State, nor should give the Priority or Precedency to any Person or Persons, under the Stile, Degree, and Dignity of a Lord of Parliament of *Scotland*, which should be, or should be presumed to be Higher, Superiour, or Equal to that of *Baronet*: And that the *Baronet* should have liberty to take place before any such who should happen to be created of any such Degree or Order; and that their Wives, Sons, Daughters, and Sons Wives should have their places accordingly: And that if any question or doubt should arise anent their places and prerogatives, the same should be decided and judged according to these Laws and Customs, by which other degrees of Heritable Dignities have their priviledges cognosced and determined. And finally, that none should be created *Baronet*, either of *Scotland* or *Nova Scotia*, till he had first fulfilled the Conditions designed by His *Majesty* for the good and increase of that Plantation, and until he had certified the same to the King by His *Majesties* Lieutenant there.

These Patents were ratified in Parliament, and were always of this form till the selling of *Nova Scotia* to the *French*, after which time they were made much shorter, and granted in general terms with all the Priviledges, Precedencies, &c. of the former Baronets. And in the Year 1629. His *Majesty* did allow these Baronets a particular cognifance, which will be best known by the copy of the following Letter direct be His *Majesty*, King *Charles* the First, to the Privy Council here.

“ RIGHT Trusty, and right well-beloved  
 “ Cousin and Counsellour, Right trusty  
 “ and well beloved Cousins and Counsellours,  
 “ and right trusty and well beloved Counsellours,  
 “ We greet yon well; Whereas upon good consideration, and for the better advancement of  
 “ the Plantation of *New-Scotland*, which may  
 “ much import the good of Our Service, and  
 “ the Honour and Benefit of that Our ancient  
 “ Kingdom, Our Royal Father did intend, and  
 “ We since have erected the Order and Title of  
 “ *Baronet* in Our said ancient Kingdom, which  
 “ We have since established and conferred the  
 “ same on diverse Gentlemen of good Quality.  
 “ And seeing Our trusty and well beloved Counsellour, *Sir William Alexander* Knight, Our  
 “ principal Secretary of that Our ancient Kingdom of *Scotland*, and Our Lieutenant of *New-Scotland*, who these many Years bygon hath  
 “ been at great Charges for the discovery thereof,  
 “ hath now in end a Colony there, where his  
 “ Son *Sir William* is now resident; And We  
 “ being most willing to afford all the possible  
 “ means of encouragement that conveniently We  
 “ can to the Baronets of that Our ancient Kingdom, for the furtherance of so good a work:  
 “ And to the effect they may be honoured and  
 “ have place in all respects according to their  
 “ Patents from Us, We have been pleased to Authorize and Allow, as by these presents, for  
 “ Us and Our Successours, We Authorize and  
 “ Allow the said Lieutenant and Baronets, and  
 “ every one of them, and their Heirs Male to  
 “ wear and carry about their Necks in all time  
 “ coming, an *Orange tannie silk ribbon*, whereon  
 “ shall hang pendant in a *Scutcheon argent*, a  
 “ *saltir azur*, thereon an *Inscutcheon* of the Arms  
 “ of *Scotland*, with an Imperial Crown above  
 “ the *Scutcheon*, and incircled with this Motto,  
 “ *Fax Mentis Honestæ Gloria*; Which cognifance Our said present Lieutenant shall deliver  
 “ now to them from Us, that they may be the  
 “ better known and distinguished from other persons; And that none pretend ignorance of the  
 “ Respect due unto them, Our Pleasure therefore is, that by open Proclamation at the Mercat-cross of *Edinburgh*, and of all other head  
 “ Burghs of Our Kingdom, and such other places  
 “ as you shall think necessar, you cause intimate  
 “ Our Royal pleasure and intention herein to all  
 “ Our Subjects. And if any person out of neglect or contempt shall presume to take place or  
 “ prece-



“ precedence of the said Baronets, their Wives,  
 “ or Children, which is due unto them by their  
 “ Patents, or to wear their Cognifance, We will  
 “ that upon notice thereof given to you, you  
 “ caufe punish fuch Offenders by Fining, or Im-  
 “ prifoning them as you fhall think fitting, that  
 “ others may be terrified from attempting the  
 “ like. And We Ordain, that from time to  
 “ time, as occasion of granting or renewing their  
 “ Patents, or their Heirs fucceeding to the dig-  
 “ nity fhall offer, that the faid power to them to  
 “ carry the faid Ribbon and Cognifance, fhall  
 “ be therein particularly granted and inferted.  
 “ And We likewise Ordain, thir presents to be  
 “ infert and Regiftrate in the Books of Our  
 “ Council and Exchequer, and that you caufe  
 “ Regiftrate the fame in the Books of the *Lyon*  
 “ *King at Arms*, and *Heraulds*, there to remain  
 “ *ad futuram rei memoriam*; And that all parties  
 “ having intrefs, may have authentick copies and  
 “ extracts thereof. And for your fo doing, thefe  
 “ Our Letters fhall be unto you, and every one  
 “ of you from time to time your fufficient War-  
 “ rand, and Discharge in that behalf. Given at  
 “ Our Court at *Whitehall*, the 17. of *November*,  
 “ 1629. Years.

The order of Baronet in *England* was erected by King *James* the VI, for advancing the Plantation of *Ulfter* in *Ireland*, and thefe Knights have Priviledges and Precedency, much like to thofe above fet down; and there being a Controverfy for Precedency betwixt them and the younger Sons of Vifcounts, and Barons, managed in prefence of King *James*, it was determined in favours of the younger Sons of Vifcounts and Barons; But at the fame time it was declared, That fuch Bannerets as fhould be made by His *Majefty* or Prince of *Wales* under the Kings Standard, difplayed in an Army Royal, As alfo, the Knights of the Garter, Privy Counfellours, Mafter of the Court of Wards and Liveries, Chancellour and Under-Treafurer of the Exchequer, Chancellour of the Dutchy, Chief Juftice of the Kings Bench, Mafter of the Rolls, Chief Juftice of the Common-pleas, Chief Barons of Exchequer, and other Judges, and Barons of the degree of the Coif, fhould have place and precedence both before the younger Sons of Vifcounts, and Barons, and before all Baronets: by which fome alterations may appear from the Ranking appointed by *Henry* the IV.

Befide what has been formerly obferved in the defcription of Knights, Baronets. I find that of old a Banneret (or a Ban-rent) has been with us a Title higher than a Baron, for by *Act* 101. *Parl.* 7. *Ja.* 1. Barons may choofe their own Commiffioners, but Bifhops, Dukes, Earles, Lords, and Ban-rents are to be fummoned to Parliament by the Kings fpecial precept; And it is probable that thefe Ban-rents were Knights of extraordinary reputation, who were allowed to raife a Company of Men under their own Banner, but now it is commonly taken for fuch as are Knigh-

ted by the King or Prince under the Royal Standard in time of War. But I conceive that thofe could not now fit in Parliament upon the Kings precept, the former Act of Parliament being in *defuetude*: They have the Precedency from Baronets, though their Wives have not, this being but a temporary Dignity, and the other an heritable.

Barons in *England* are Lords with us, but a Baron with us is properly he who has power of pit and gallows; And yet of old I conceive that Lords and Barons were the fame, for the Statutes of King *Robert* I. bear to be made in his Parliament holden at *Scoon*, with Bifhops, Abbots, Priors, Earles, Barons, and others his Noblemen of his Realm: And in our old Original Acts of Parliament, I find that the Lords and Barons are put in one column undiftinguifhed and under the common name Barons; And in the firft Parliament of King *James* the IV. I find the Mafter of *Glames*, i. e. the Lord *Glames*, eldeft Son fitting *inter Barones*. Now the Lords are called the Great Barons, and the reft are called Small Barons, in the 101. *Act.* 7. *Parl.* *Ja.* 1. and ever fince; But yet I find by the 166. *Act.* 13. *Parl.* *Ja.* 6. every Earl or Lord payes 2000. pounds, for Lawborrows, and every great Baron 1000. pounds; but by great Baron there is meant a Baron of a confiderable Eftate, becaufe that Act was to proportion the Surety to be found to the Eftate of him who finds the Surety.

The old Barons (or Lairds) amongst us efpecially where they are Chiefs of Clans, or the Representatives of old Families that were Earldoms, as *Pitcurr* is of the Earl of *Dirleton*, and as Chief of the name of *Halyburton*, have never ceded the Precedency to Knights-Baronets, much lefs to ordinar Knights. Though the other pretend that a Baron is no name of Dignity, and that Knights-Baronets have a fpecial Priviledge, that there fhall be no degree betwixt them and Lords, except the Bannerets; And though *militia non eft per fe dignitas*, *Chaffan. fol.* 344. yet generally it is believed, that next to Knights-Baronets fucceed Knights-Bachelours, and next to them our Lairds, or Landed-Gentlemen, though a Laird in effect is but the corrupt word of a Lord.

Amongft fuch as profefs Sciences, the Ranking goes thus uncontravertedly, 1<sup>o</sup> Such as profefs *Theology*. 2<sup>o</sup> Such as profefs the *Canon-Law*. 3<sup>o</sup> The *Civil-Law*. 4<sup>o</sup> *Philofophy*. 5<sup>o</sup> *Medicin*. 6<sup>o</sup> *Rhetorick*. 7<sup>o</sup> *Poeſy*. 8<sup>o</sup> *Hiſtory*. 9<sup>o</sup> *Grammer*. 10<sup>o</sup> *Logick*. 11<sup>o</sup> *Aritbmectick*. 12<sup>o</sup> *Geometry*. 13<sup>o</sup> *Mufick*. 14<sup>o</sup> *Aſtronomy*; *Chaffan. de gloria mundi pars decima*. And amongst thefe, fuch as are Doctours preceed thefe that are not, and amongst Doctours, the priority goes by Age.

In Towns, Thefe who inhabit Cities are preferred to fuch as inhabit Burghs, and generally thofe in the Metropolitan, or capital City are preferred to all the reft: And thofe who live born Magiftracy, are even when their Magiftracy



is over, preferred to all others. And so far is this Precedency observed, that 1<sup>o</sup> A younger Alderman or Bailie takes not Precedency from his Senior, because he is Knighted, or as being the elder Knight, as was found in the case of the Alderman *Craven*, who though all the rest of the Aldermen were Knighted at the Coronation of King *James*, kept the precedence formerly due to him as Senior Alderman. But though this hold not onely amongst Aldermen, but that even all Knights of the Countrey, being Burgeses of a Town, do cede to these who have been their Magistrates in it, as to publick Meetings relating to the Town; Yet it is doubted whether such a Knight will be obliged to give place to an Alderman, or Bailie in a neutral place. But it is determined in the Heralds Office of *England*, that all such as have been Mayors of *London*, that is to say, Provosts with us, do take the place of all Knights-bachelours every where, because they have been the Kings Lieutenants.

It is there likewise remarked, That Sir *John Crook* Serjeant at Law, was Knighted before any

other Serjeant his Ancient, and standing upon Precedency by reason of his Knighthood, It was adjudged against him by the Judges, *viz.* that he should take place according to his Serjeancy, and not after his Knighthood, yet his wife took her place of a Lady before other Serjeants wives.

The Members of Courts do take place amongst themselves according to the Precedency of the Courts, where they serve; as the Clerks of the Privy Council take place of the Clerks of the Session.

In Families likewise, the Chief of the Family takes place of any Gentleman of the Family: And though generally it be believed, that Gentlemen have no precedence one from another, yet Reason and Discretion do allow that a Gentleman of three Generations, should cede to a Gentleman of ten, if there be not a very great disparity betwixt their Fortunes, and that for the same Reason almost, that a Gentleman of three Generations claims Precedency from any ordinary Landed-man, who has newly acquired his Lands.

## CHAP. IX.

### *The Precedency due to Women.*



WOMEN before their Marriage have Precedency by their Father, but there is this difference betwixt them and the Male-children, that the same Precedency is due to all the Daughters that is due to the eldest, though it

is not so amongst Sons; and the reason of the difference seems to be, that Daughters would all succeed equally, whereas the eldest Son excludes all the rest; But if this be the adequat and true reason, then where the Estate and Honours are provided to the eldest Daughter onely, excluding the rest, they ought not to have the same Precedency that the eldest Sister has. And therefore I ascribe this difference rather to the custome of Nations meerly founded upon the respect due to that Sex.

During the Marriage, the Wife regularly participates of the condition of her Husband by the Civil Law, and Law of Nations, *L. 3. C. de Dignitat. Mulieres Honore maritorum erigimus, genere nobilitamus*, and since she was to be sharer in his Misfortunes, the Law thought it just that she should be sharer in his Advantages; And the Wife by the Canon Law is called *Socia divina & humane domus*, and *L. Fœmina, ff. de Senat.* it is said, that *Fœminis dignitatem clarissimam mariti tribunt*: But yet this rule has some exceptions, for though in *France* the Wives of those who have

their Dignities by Offices, enjoy the same Precedency with their Husband, together with a communication of his Title, and thus they say there, *Madam la Chanceliere, Madam la Presidente*: Yet it is not so with us, who think, that Offices are bestowed on Husbands upon a personal account, which is not communicable to their Wives; and yet in some Temporary Dignities, such as that of a Knight-bachelour, the Wife participates of the Husbands title and precedence: Though I find by the Heralds Records, that this proceeded originally, rather from Courtesie than from Law, and that of old a Knights Wife enjoyed onely his Honours during the Spousals, nor were they to be called in Law *Dame Alice*, or *Dame Catherine, &c.* after the Marriage was dissolved.

By our Law likewise, If a Woman have Precedency by her Birth, or Descent, she retains still the same, notwithstanding she marry a person of inferiour Dignity, contrare to the Rules of the Civil Law; And thus if the Heiress of a Dutchie, or Earldom, marry a Gentleman, she has still the Precedency due to a Duke, or Earl, albeit by the Civil Law, *L. 3. de Senat.* it be exprest that *Parentes donec Plebeii nuptiis fuerint copulata, &c.* the reason whereof is as *Faber* observes upon that Law, because it were most absurd that the Wife should have more dignity then her Husband; and thus *Livius* observes, that *Virginia* Daughter to a *Patrician*, or noble *Roman*, was debarred from the Honours due to her



her Birth, because she had married a *Plebeian*; And it seems indeed that he being her Head, it is unnatural that any part should be more honourable than the Head: Nor can there be any thing more contrare to that Superiority, given both by the Law of GOD and Man to Husbands, nor any means fitter to make a Wife despise her Husband than this is. But I think this Precedency has arisen from the Feudal Law, for the Wife having once a noble Fee, she cannot forfeit the same by her Marriage, and therefore she must retain the Dignity that is annexed to it, which is incommunicable to her Husband, because he is not in Fie. But it is observable, that if the Daughter of a Nobleman marry another Nobleman, she will lose the Precedency due to her by her Birth, though she would not have lost it if she had married a Gentleman, and the reason of this seems to be, because by marrying a Nobleman she receives another Feudal Dignity, which suppresses the first.

I find it observed in Judge Cook, lib. 12. fol. 112. that if a Baron dies, having divers Daughters, the King may conferr upon either of them the Title; And thus the Lord Cromwel having died without Heirs Male, Burchier who married the youngest Daughter was made Lord Cromwel, of which we have no example in Scotland; for by our Law, if the Title descend to Females by the Patent, the eldest only can succeed to the Title, but if it descend not by the Patent to Heirs Female, then the King may admit neither to the Title, or either as he pleases.

After the Husbands decease, the Wife did by the Civil Law enjoy her Husbands precedence during her Widowity, but if she marry to a Person of inferiour quality, she loses that Precedency, *L. 2. de Senat.* which holds with Us and in England; And yet sometimes the King allows her the same Precedency, by a Letter, as he does also to the Daughters of Dukes, and others who have lost their Precedency by Marriage, which Letters, or Warrands, are direct to the Heralds Office, and Registred there. And the Queen never loses her former Dignity though she marry the meanest Person after the Kings death. And generally, all the Priviledges due to the King, are communicated to the Queen, *per L. 31. ff. de Leg. Augusta, autem Legibus soluta non est, Principes tamen eadem illi privilegia tribunt que ipsi habent.* Notwithstanding whereof, Lawyers think that her Bastards are not Noble as the Bastards of Kings, nor does the Womb ever nobilitate. The Countrey of *Campaigne* in France onely excepted, where it is sufficient that either the Father or Mother be Noble, which was allowed to the Ladies of that Countrey, upon the killing of all the Nobility at a great Fight, *Papon. de Nobles. num. 3.* By the Civil Law also, a Widow living leudly, loses her former Dignity, *Arg. § Fin. in authent. de restit.* but this holds not with us, *vide Bon. de Curt. de Nobilitate, cap. 12. num. 194.*

It has been doubted whether a mean Woman marrying a Nobleman, retains the priviledge due

to her by her Husband, who has been degraded by Forfeiture, or otherwayes, and Corbin cites a Decision, 37. August, 1698. whereby it was resolved, that she retains still her former Priviledge, since Crimes are personal, which is also our Custom.

It has been likewise doubted abroad, whether a Noblewoman marrying a *Plebeian*, and thereby losing the Precedency due to her Birth, if she marry a Gentleman in the second Marriage, she will thereby recurr to her first Dignity, the Person be whom she lost the first Dignity being dead; And was found she will not, for in Law that which is once extinct does not revive; and therefore Women in such cases take Letters of Restitution, as they call them, or procure a Warrant from the King, for that effect as the custom is with us, *ut interveniet Principis restitutio que plebecitatis maculam abstergat, Traite de la noblesse, pag. 324.* But there would be no place for this Question here, since with us a Noblewoman would not lose her Precedency by marrying a *Plebeian*, but the doubt behoov'd to be thus stated with us, *viz.* Whether a Noblewoman marrying a Nobleman of an inferiour degree, would recover her first Dignity, she marrying thereafter a Gentleman: Or, whether a Knight-Baronets Lady marrying a *Plebeian*, could thereafter recover her Dignity if she marry a Gentleman. For I conceive a Knight-Baronets Lady, does not like a Noblewoman, retain her Precedency when she marries a Person of inferiour Quality, and I think neither of them would recover their former Dignity without a special Warrant.

I find that the Commissioners appointed to regulate Queen Anns Funerals, did upon the 20. of May, 1619. declare, That the Ladies of the Privy Chamber should in time of mourning, take their places as if the Queen were living, till the Funerals were ended, and that the Queens Chamberers should for the present Funeral go before Countesses Women, without prejudice to Countesses Women, at any time thereafter.

It is fit to observe, That the Wives and Daughters of all Dukes, Marquesses, Earles, &c. do take the same place that the Husbands and Sons do, conform to the Precedency formerly express'd, *pag. 35.* And I find in the Heralds Office of England, an Establishment settled thus amongst Women, by Jasper Duke of Bedford, and other Noblemen, by warrant from Henry the IV.

The Wives of Dukes of the Blood Royal.

The Wives of other Dukes.

The Wives of the eldest Sons of Dukes of the Blood Royal.

The Daughters of Dukes of the Blood Royal.

The Wives of Marquesses.

The Wives of the eldest Sons of Dukes.

The Daughters of Dukes.

Countesses.

The Wives of the eldest Sons of Marquesses.

The Daughters of Marquesses.

The Wives of the younger Sons of Dukes.

The



The Wives of the eldest Sons of Earles.  
 The Daughters of Earles.  
 The Wives of Viscounts.  
 The Wives of the younger Sons of Marquesses.  
 The Wives of Barons, (that is to say our Lords.)  
 The Wives of the eldest Sons of Viscounts.  
 The Daughters of Viscounts.  
 The Wives of the younger Sons of Earles.  
 The Wives of the eldest Sons of Barons or Lords.  
 The Daughters of Barons.  
 The Wives of Knight-bannerets.  
 The Wives of the younger Sons of Lords.  
 The Wives of Knight-bachelours.  
 The Wives of the eldest Sons of Knights-bannerets.  
 The Daughters of Bannerets.  
 The Wives of the eldest Sons of Knight-bachelours.  
 The Daughters of Knight-bachelours.  
 The Queens Maids of Honour.  
 The Wives of the younger Sons of Bannerets.  
 The Wives of the younger Sons of Knight-bachelours.  
 The Wives of Esquiers.  
 The Wives of Gentlemen.  
 The Daughters of Esquiers.  
 The Daughters of Gentlemen.  
 The Wives of Citizens.  
 The Wives of Burgeses.

From all which it is to be observed, That the Wife of the eldest Son of any degree, takes place before Daughters of the same degree, and both of them take place of the younger Sons Wife of the preceeding degree; Thus the Lady of the eldest Son of a Marquess preceeds the Daughter of a Marquess, and both preceed the Ladies of Dukes

younger Sons: *Item*, the Wife of the next degree as a Countess, preceeds the Lady of the eldest Son of the preceeding degree as of a Marquess, and the Daughter of a Marquess.

3°. This holds not only in comparing degrees amongst themselves, but also in comparing Families of the same degree amongst themselves, as for instance, though the Marquess of *Dongliff's* Lady would give place to the Marquess of *Huntly's* Lady, yet the Wife of the Marquess of *Dongliff's* eldest Son would take place from the Marquess of *Huntly's* Daughter.

4°. Though of old with us in *Scotland*, the Wives of Lords did contend, that they had the Precedency from the Daughters of Earles: Yet since that Letter written by King *Charles* the I. at his Coronation, we follow the Custome of *England*, in preferring the Earles Daughter, who takes place immediately after her eldest Brothers Wife.

5°. Though the Daughter of a Marquess gives place to the Wives of the eldest Sons of all Marquesses, yet if that Daughter be an Heiress, and the Daughter of an elder Marquess, then she takes place from the Wives of the eldest Sons of all younger Marquesses, as *Segar*. observes, pag. 240. It is likewise observable, that since this Ranking under *Henry* the IV. there are several new additions: For after the Wives of Lords eldest Sons and Lords Daughters are Ranked, the Wives of Privy Counsellours and Judges, Wives of the younger Sons of Viscounts, and of Lords or Barons, the Wives of Baronets, the Wives of Bannerets, the Wives of the Knights of the Bath, and the Wives of Knights-bachelours, &c. as in the former List.

## Some considerable Questions concerning Precedency, Resolved.

### QUESTION I.



*Whether in Competitions betwixt Kingdoms, States, and Towns, is their present Condition to be Considered, or what they were formerly?*

To which it is answered, with this Distinction, viz. Either the Kingdom, or other Places betwixt which Competitions are Stated, remain the same that they were in their Substantials, and then the former Precedency is still continued; as for instance, Though *Rome* while it was a Commonwealth did sometimes admit of a *Dictator*, who had indeed the power of a King, yet they remained still the same Commonwealth; and therefore being the same in Substantials, they ought to have the same degree of Precedency continued: Or when two or three Kingdoms are without any Alteration United in one, as the Kingdoms of

*Scotland* and *England* were United into the Kingdom of *Great Britain*, under Kings in the same Race, who succeeded to both, as is fully Demonstrated by *Alb. Gentil*. pag. 82. and this is likewise clear from *L. proponatur ff. de Julitis c. l. 24. ff. de Legat. 1.* But where there is a substantial Alteration called by *Aristotle* *μετεβολή* vel *παρεμβολή* there the former Condition is not considered, but the *κατὰ-οὐσα πολιτεία*, or present condition of the Places in Competition is that which ought to be considered: And thus when a Kingdom comes to be Conquer'd by a Stranger, and by a Strange and Foreign Nation, there the State of the Kingdom is absolutely Innovated, especially if the Laws of the State be altered: And therefore the *French* Lawyers are of Opinion, that the Precedency of *England* ought only to be Computed from *William* the Conquerour, because, at that time a Stranger and a strange Nation did conquer the said Kingdom, and the Fundamental



damental Laws of it were much Innovat ; and if this be not an Alteration none can be : For the Antiquity of Land cannot give Precedency, for all Land was created together, and there are few Nations so Conquest, as that the former People do not remain, so that there can be no Precedency upon that Account, though some who are extravagant in their Zeal for their Countrey doe Argue its Precedency from the first Ages of the World ; as *Vasquius* does that of the *Spanish Empire*, in deryving it from *Tubal Cain*, *præfatio in Contravers. Illust.*

## QUESTION II.

*Whether a Kingdom becoming a Common-wealth, or a Common-wealth a Kingdom, does their former Precedency remain ?*

THIS Question has two Branches wherein the Difficulties differ,

The first is, Whether that Town or Place which was a Republick, having become a Monarchy or Principality, ought it to retain the same Precedency due to the former Common-wealth ? And that it ought to retain the same Precedency may be Argued, Because, when one thing is surrogat in the place of another, that which is surrogat ought to have the same priviledge with that in whose place it is surrogat, *surrogatum subit naturam surrogati* ; But so it is, that the subsequent Principality is surrogat in place of the former Common-wealth, and therefore ought to have the same Precedency : This Reason is likewise seconded by a Decision of *Charles the V.* who in the Debate betwixt the Duke of *Florence*, and the Duke of *Ferrara*, did prefer the Duke of *Florence*, because the Republick of *Florence* was formerly preferred to *Ferrara*.

From this Decision some would distinguish betwixt the Case, where a Citizen of the former Common-wealth is preferred by common consent of his fellow Citizens, in which case they who Governed formerly still Govern, because they choose the new Duke, Prince or King : And the Case wherein a Stranger comes in and Conquers, in which case the former Government is absolutely Altered, and none of those who Governed formerly continue to Govern : Nor does the Argument of Surrogation hold in this case, because that Argument onely holds where one thing is surrogat to an other by common consent, and where the Reason of the Priviledge pleaded in one case remains in the other, neither of which can be alledged where there is a Conquest ; because there, neither is there a Consent, nor does the Government, nor State remain the same, And consequently, ought not to have the same Precedency, seeing the sameness of Precedency depends upon the sameness of the State, which ought to have the Precedency.

The same is likewise to be concluded, where One of the same City or Republick Usurpes the Government ; For in that case the former Argu-

ments hold : And though *Aristotle libro quinto Politicorum* sayes, *eundem Statum Reipublicæ manere, ubi rem suam & summam Respublicam, aut libera civi alicui suo regendam deinceps committit*, *παρε μὲλλον οὐ μὴν γὰρ ἐξ ἀπαντισαντες τὰ πρῶτα ἐκοταν μεταβάλλουσι τὴν πολιτείαν*. Yet this requires two Conditions, The one is, that one of the Citizens Govern ; and the other is, That the Government be transmitted to him by the common consent of those his fellow Citizens who Governed formerly ; An eminent Example thereof We find in that famous *Lex Regia*, mentioned *L. 1. ff. de Const. Princ.* whereby the Romans transmitted all the power they had to the Emperour, *quæ de Imperio lata est qua populus est qua populus ei & in eum omne suum Imperium & potestatem contulit*, and upon this account it is, that the Roman Emperours pretend the same Precedency that was due to the Common-wealth of Rome, since the Common-wealth did surrender and transmit to them their power.

The next Branch of the Question is, Whether a Kingdom being turned into a Common-wealth, ought to have the same Precedency that was due to the former Kingdom ? And it would appear that it ought not, since in becoming a Common-wealth, it is Degraded from its former Dignity, Common-wealths being by the consent of all Nations postponed to all Kings, or Crowned-Heads ; Nor does the Argument of Surrogation hold in the matter of Precedency, where there is not onely a substantial Alteration, but a Degradation : The former Argument of Surrogation does not likewise take place, where there has an intermediate Impediment interveened : As for Instance, Though *Spain* had been formerly a Kingdom, and though *England* was really a Kingdom of old, yet both these having become afterwards Provinces to the Roman Empire, they cannot reassume the Dignities and Precedency due to them before they were subdued, and became Tributaries ; since that Degradation was a *medium impedimentum*, as Lawyers call it, which hindred the present condition of their Kingdom to be drawn back to its old State : A thousand Instances of which may be given in other cases, and even in the matter of Precedency, If a Family be Degraded, and continue so for a long time, if though they be thereafter restored ; Or if an Earl should resign his Title in the Kings Hands, and so extinguish his Title, though he were restored, yet he would not be restored to his former Precedency, in prejudice of those who had acquired Titles *medio tempore*.

## QUESTION III.

*Whether he who is Elected to a Dignity, ought to have Precedency thereby, as if he were Actually Admitted ?*

THIS Question has been often Agitated, and may be of great Use amongst Persons of all Degrees : It was Debated in *Anno 1521.* betwixt the Ambassadors of *Charles the V.* who was then Elected



Elected Emperour, and the Ambassadors of *France*, who alleadged, that *Charles* the V. was Elected Emperour, yet not being Crowned and Anointed, the Election being but an incompleat Act, could not give him Preference; and that it could not was Argued from these Reasons. 1<sup>o</sup> Before the Emperours Admission and Consecration, he is not called Emperour, but onely King of the *Romans*, and therefore he ought not to have the place as Emperour, for the King of the *Romans* is inferiour to the Emperour, and the Inferiour cannot have the Superiours place. 2<sup>o</sup> If Election could give the Precedency, there needed not any further Solemnity; For by the Election, the Person Elected would be Emperour, for none can have the Emperours place but the Emperour. 3<sup>o</sup> That which is imperfect cannot operat as much as that which is perfect, *L. Aedificia § perfectissime ff. de edil. edict.* and that which is Imperfect is judged in Law to be no more, then if it were not, *Imperfectum, & nullum idem sunt*: And therefore as he could not have Precedency, if there were no Election, so neither can he have it, where there is but an incompleat Election. 4<sup>o</sup> Where there are two Degrees subordinat one to another, the inferiour Degree cannot aspire to that which is due to the Superiour; But so it is, that Election is but subordinat to Admission, *Ergo*, it cannot Operat as much as Admission. Notwithstanding of all which, I find that *Gothofred*, and others decide for the Emperour, and are of opinion that an Election has in it the Radical Power and Force of Admission, and so gives as much Precedency as Admission does; yet with Us, We see that an Elect Bishop takes not the same place, that is due to him after he is Admitted: And therefore the Distinction would be made here betwixt such an Election, as transfers all the power that Admission can, as we see in the Emperour, King of *Poland*, and others, who can receive no more Power after they are Elected, and delay their Coronation and other ceremonies for their own conveniences, And the case of Bishops and inferiour Magistrates, who are oft times to receive some further power beyond their Election; and so, their Election not being equivalent to an Admission, it gives not the same Precedency that the other can: And therefore I may conclude generally, that Precedency followes Power and Administration.

#### QUESTION IV.

*Whether ought One who has been twice or oftener Elected to any Dignity, be Preferred to him who was onely once Elected?*

THE *Roman* Emperours have differed in this, for the Eldest and Latest Emperours did think, that such repeated Elections did augment the Dignity to those who were Elected, and thus *Valentinian* novel. 48. and this was likewise *Hadrians* Opinion, as *Spartianus* observes in his Life: But *Theodosius* the Younger thought, that these re-

peated Elections did shew the Merit of him who was Elected, but did not augment his Dignity, *repetiti enim fasces virtutem sepe meritam comprobant, non augent, quia nihil est altius Dignitate, L. 1. C. de Consul. vid. Cujac. ad l. illam*, and with this last agrees *Goth. Thes.* 28. With Us if the Precedency be determined by a Voice, this holds not, as if one should be Elected to be the first *Alderman*, and another to be a second *Alderman*, this second would not have the Precedency, though he had been oftentimes formerly preferred; But in dubious cases, certainly repeated Elections do prefer: And though the Imperial Dyet has decided Precedency upon this Account amongst Generals of an Army, to him who had been twice formerly a General, though the other had been first a General, as *Gollast.* observes; Yet I find it more Reasonable, that he who was the eldest General, should have been preferred: For that is the Mark of greatest Experience, and the not being frequently Elected might have proceeded from want of new Occasions or of Inclination; And it were absurd to think, that if One had been an old General, and his Commission had continued for many Years, that thereafter another, tho' thrice Elected in a shorter time, should be preferred to him. With Us also, I find that One who has been twice or oftener preferred to be *Provost* or *Mayor*, is preferred to him who has been onely once *Mayor*; and it is Reasonable that they both living in one place, and being preferred by those of the same City, should be preferred in Meetings relating to the same City.

#### QUESTION V.

*What Influence has the Conjunction of moe Dignities upon Precedency?*

THERE are some Lawyers who think, that he who has most Employments ought to be preferred to him who has but one: And thus they say, That he who hath two or three Dutchies, or Earldoms, ought to be preferred to him who hath but one, even as two or three Lights are greater then one, and two or three Cords are stronger then one; And for this they cite *L. Fin. Cod. de edict. d. Adrian.* and of this Opinion was *Menochius*, *Consil.* 902. And for this cause, *Marz. Consil.* 26. thought that the Duke of *Ferrara* ought to be preferred to the Duke of *Florence*; And *Navarrus Consil.* 1. thought that a Cardinal who was a Chancellour ought to be preferred to an elder Cardinal who was not; And that a Doctor of the Civil and Canon Law, ought to be preferred to a meer Doctor of the Civil Law. But yet *Gothofred* is of a contrary Opinion, *cap.* 3. *Thes.* 2. And in Our Practice the greater Dignity is preferred to many lesser Dignities, yea, and the Elder in the same Dignity is preferred to him who was last Promoted to the same Dignity, though he have many lesser Dignities joyned to it; But betwixt two Dignities that are different, if it be not known to which of the Two the Preceden-



cy is due, the conjunction of lesser Dignities with the Dignity contraverted ought to prefer; Even as if it were doubted, which of two Bodies weighed most, or which of two Lights shined most, the least addition to either would certainly cast the Billance and alter the Proportion: But if these many be all Inferiour to one Employment, they ought not to be preferred, no more then many little Pearles ought to be preferred to a great one; and yet if it be doubted which of two Pearles are of greatest Value, the addition of two or three little ones to either, will raise the Value of that one to which they are thrown in.

### QUESTION VI.

*How far do former Dignities Influence a present Advancement, and Determine the Precedency depending thereupon? And what Rank is due to Honorary and Extraordinary Offices?*

LAWYERS give divers instances of this, As first, a Judge is made a Privy Counsellour, but thereafter the President of that Court, where he is a Member or Judge, is admitted to be a Privy Counsellour; in that case though the other was first admitted, to be a Privy Counsellour, yet the President, though last admitted, will have the Precedency, and Vot first even in the Privy Council; Because it is indecent, that a Member should have the Precedency, or Vot before his own President: And thus *Papon.* tells Us, it was decided by the Parliament of *Paris*, *vid. lib. 4. tit. 2. Art. 5.* which is not unlike what *Vitellius* says, in *Tacitus* 19. *Annal. Fædum si de Honoris prærogativa dimicare cum ducibus audeant, sub quorum signis stipendia facerant.* A second case is, That though a Honorary or Extraordinary Officer will not be preferred to an Officer Ordinary, Yet if a Person be a Honorary or Extraordinary Officer, before another be admitted to be an Ordinary Officer, if that Person who was but formerly an Extraordinary Officer, be thereafter admitted to be an Ordinary Officer, he will be preferred to him who was admitted before him, though to an equal Degree; Because, though he was not the first Officer in Ordinary, yet he is now equal in Dignity with him, and was an Extraordinary Officer before him: As for instance, If One be admitted to be an extraordinary Physician to his Majesty, and thereafter become an ordinary Physician, he will have the Precedency from them who were Admitted in Ordinary before him, if they were admitted to be Ordinary Physicians after he was admitted to be Extraordinary; Precedency being to be taken in that case from the Time of the first Advancement, *L. 4. Cod. de Consulibus*: But though this be observed Abroad, yet I doubt if it be observed in *Britain*. A third case is this, There are two made Counsellors, but he who is last Admitted a Counsellor, is first Nobilitat, and therefore even as Counsellor he will have the Precedency, though the other was made the first Counsellor; And this was so

decided by the Emperour *Theodosius*, *L. unica Cod. Theodos. de Consulibus*: And is in Observance with Us, amongst whom the youngest Counsellor, being made an Earl, is preferred to elder Counsellors, and though the elder Counsellor be thereafter made an Earl, yet the eldest Earl will always be preferred; Though it would seem that upon the first Counsellors being made an Earl, he ought to be preferred, as in the former case where an Extraordinary is preferred, when he becomes to be in equal Dignity with the prior Ordinary Officer. But the Reason of the Disparity is, because Earles are always to preceed according to their Priority, but Officers are not; An Office being but a thing Temporary, and there being no Difference betwixt an Ordinary and Extraordinary Officer, but that the Ordinary has a Salary, and waits more immediately upon the King, but yet the Extraordinary Officer was truly of equal Dignity with the Ordinary. These Extraordinary Officers were called *Honorarii seu Codicillares*, *L. 9. C. de metatis quibus citra cingulum Dignitas pro solo Honore delata est*, they had no Advantage save the Dignity, *Nov. 70. nihil aliud nisi purum Honorem habent*, *L. 7. de Decur.* they are called *inanes umbræ & cassæ imagines dignitatum*. I have heard this case also Stated with relation to the same quære, *viz.* By the Erection of the Town of *Brichen*, in a Burgh Royal the Bishop of *Brichen* is first to Elect, and then the Town are to Elect their Bailies: From which the Question arises, Whether if the Bishop choose One who was never a Bailie formerly, and the Town choose those who were formerly Elect-ed Bailies, should the the Bishops Bailie preceed? It being pretended, that though he is to have the first Nomination, and the Choise of all, yet that should not give his Bailie or Alderman the Precedency, in respect that by the constant Custom observed by all the Burrowes, when many are Elect-ed to be Aldermen or Bailies at once, he who has been formerly a Bailie preceeds always him who was never.

### QUESTION VII.

*Whether amongst such as have equal Dignity, the first in time ought to be Preferred?*

It is Answered, That Generally and Regularly the first in Time ought to be Preferred, amongst such as are equal in Dignity; Which is clear be the Civil Law, not onely in Kingdoms, but in all the Degrees of Nobility and Promotions: And this Our Reason may teach Us without Law, for if there were not some Certain and Stated Rule whereby Precedencies might be known, it were impossible to evite Confusion, and all other Rules except this are uncertain, but yet this Rule has some Exceptions. 1. Princes of the Blood, *viz.* the Sons, Brothers, Grand-sons, and Nephews of Kings are excepted from this Rule: For though they be Dukes or Earles of a latter Creation, they are preferred to all of that Dignity. 2<sup>o</sup> In *Germany*,



many, if the Chief of a Family come to a Dignity, equal to one of his Kinsmen who formerly enjoyed that Dignity, he will be preferred to him, though his Kinsman did first attain to the Dignity; An Example whereof *Gothofred* gives *cap. 3. Thef. 16.* this Exception seems to be founded upon the right of Blood, to which those of the same Family seem to give that Respect as to an elder Brother; But though those of the Family may give this Respect out of Favour, yet in Law they are not thereto Oblieged; For the Prince being the Fountain of Honour, he onely can give Preference, and his Patent may prefer one Cousin to another, since he can bestow Employments which can prefer a Son to a Father: And therefore in *Britain*, the Date of the Patent is onely considered,

### QUESTION VIII.

*When many are Promoted at once in the same Write, or when many are Nominate in the same Commission, Whether is the Order of Naming therein exprest to be Observed?*

It is answered, That Ordinarily he who is first named ought to be preferred, *L. 1. ff. de Albo scrib. Albericus ad L. inter Claras C. de sum. Trinit.* but though this hold, where the Write wherein many persons are named is drawn upon Design to Prefer those who are named, because, there Promotion being the Design, It is to be presumed that the Order of the Promotion was Observed, *Glossa. ad §. ult. Auth. de Defens. Civit. & Clement. 1. de Baptismo*, yet where the Write had any other Design, and the Nomination did onely proceed by way of Narration, there an Argument from the Order of Nomination is not still Concluding; especially, Considering that such as draw publick Papers, are not always versed in cases of Precedency, and are oft-times so intent upon the design it self, that they consider not the Order of Nomination; And thus I have my self seen old Charters wherein the Chancellour is oft-times placed after the Lord Chamberlain, and both of them after some of the Nobility; and if any Man will consider Our Statutes, wherein Commissions are granted, they will find this Order very ill Observed; And Lawyers conclude this Argument very weak in such Cases, *Feverard. in Topicis loco ab ordine num. 13. Golstad. lib. 1. cap. 23.* And there are very clear Examples of this given, *cap. 2. de Judiciis, cap. Pastoralis de Concess. prebend.*

But yet in dubious Cases, where the Person injured cannot otherwise prove his Precedency, this ought to bear great weight, especially, If many such Papers can be shewed of one tenour; And if the Office granted by that Commission gives Precedency, above what the persons therein named could otherwise pretend to, then the first Nomination has the Precedency: As when Ordinary Gentlemen are named in the Commission of the Privy Council, &c. I find also by the old

Records of Parliament and Privy Council, that the Members of Parliament and Counsellours are in the Sederunts named as they entered into that particular Meetings, but now they are named according to their true Precedency.

### QUESTION IX.

*In what Cases does Age prefer, and what is its Prerogative in the matters of Precedency?*

THE Concession of the Prince being the Rule of Honour, he who has the first Concession ought to be preferred in the matter of publick Honour, except in three cases observed by *Gothofred. cap. 3. Thef. 14.* First in Cases dubious. Secondly, where the pretences are absolutely equal; And thus of the two *Roman* Consuls, the Eldest always preceeded, as *Plutarch* observes. Thirdly, to take away Contraversies amongst persons of the same Family, but of different Lines. It is observed in *Germany* and other places, that the Eldest has always the Precedency, as *Golstad* and other *German* Authours observe; And this last holds likewise with Us, if the Precedency be not clear, and was so decided by King *James* the VI, betwixt *Blair* of that ilk, and *Blair* of *Baltbaiock*.

### QUESTION X.

*Whether does Appearance of Blood give Precedency before actual Investiture and Possession?*

THOUGH it may seem, that since *Marquisats*, *Earldoms*, &c. being Feudal Honours, conferred oft-times by erecting Lands in a Marquisat or Earldom, that therefore till the apparent Heir be actually Invested, or Infeft as We call it, he ought to have no Precedency; Yet that being expressly Debated, in *Anno 1608.* in the case of *Frederick* Duke of *Wirttemberg*, it was decided, that the very right of Blood transmitted the Precedency: But *Golstad. Coment. de Reg. Bohem. lib. 3. cap. 6.* is of opinion, That though this may hold where the apparent Heir sought to be Invested or Infeft, and his not being Entered nor Infeft was not his Fault; Yet if he did not seek to enter, he ought not to have the Precedency: With Us though an apparent Heir never enter, yet he has still the Precedency due to his Predecessor.

### QUESTION XI.

*Whether does the apparent Heir his Assuming and Using the Title and Precedency of his Predecessor, make him lyable to his Predecessors Debts, and Infer a Passive Title against him, as We speak?*

To this it is answered, That it makes him not Lyable, in payment according to the present Current of Our Decisions, because Honour descends from



from the King, and is not any lucrative Accession, out of which Debt may be payed, and no Man should be made lyable to Debts for enjoying that which cannot pay Debts: Nor does the Son possess this Title by his Father, but by his Family; And Lawyers have resolved, that *Filius retinet Nobilitatem etiam repudiata hereditate*, Bart. in *L. Jurisjur. § 1. ff. de Oper. lib. Jac. & in L. si non sortem ff. de condict. in deb.* But yet this decision may seem unfuteable to the Analogy and Principles of Law, For 1<sup>o</sup>. Since Honour is by the first Patent and Erection granted to a Man and his Heirs, It seems Just and Legal that none can enjoy the same, but such as are Heirs; so that this seems to be a qualified Right granted by the King, and consequently, can be enjoyed by none but such as Purge and Purifie the qualities and are Heirs. 2<sup>o</sup> We see that in other Rights granted to a Man and his Heirs, no Successor can have Right without being Heir, and since this holds in Accessions of the meanest Nature, Why should it not much rather hold in Titles and Dignities which are Things of great Importance? 3<sup>o</sup> We have no Way nor Method to know who is Heir, but by an Inquest, after which he who is served Heir is lyable to all Debts, and if he who is to use the Title, needs not be found Heir by an Inquest, any Man may use the Title of a Deceased Peer, and if two contended for it, this could not be tryed without an Inquest and Service. 4<sup>o</sup> The making Men lyable to their Predecessors Debts for using his Title, would be very advantageous for the Defuncts Creditors, and it is the Interest of the Commonwealth that Creditors should be payed; nor could the apparent Heir complain, since he may choose to use the Title or not as he pleases. 5<sup>o</sup> It were advantageous to the Commonwealth that none had a Title, but he who had the Estate which was given out with it, and out of which it was to be maintained, a poor Nobility being a great burden upon a Commonwealth, and a ruine to it: And I find that the Parliament of England did Degrade *George Nevil* from being Duke of *Bath*, for want of an Estate futeable to his Dignity, which *Statut. 17. Ed. 4.* expresses the inconveniencies here mentioned, which are greater in Scotland than in England, because Our Peers have more Interest in lying on Taxes than Lords in England have. 6<sup>o</sup> The Law considers not in other Cases, whether the thing used by the apparent Heir, may be advantageous to him, Or whether he may pay Debt with it, for the using of meer Ornaments, which can yeeld no Money, Or Things of the meanest Advantage, do make him lyable, yea, and he would be lyable though he were a loser by the Thing he used; where is not only are Honours and Precedency things of great Advantage, and which Men would buy at a great Rate, but if a Man have Liberty once to use the Title of his Predecessor, it gives him a great Opportunity to enhance his Predecessors Estate by indirect means: And the former Arguments prove only that the Blood interest as

to Honour is transmittted without a Service, but not that the Feudal Title of Earl can be so transmittted.

## QUESTION XII.

*Whether does the Appearance of Blood give Precedency, where the Predecessor is not Dead?*

THIS is called by the Doctors, *Spes & expectantia successionis* κληρονομία καὶ ἐκπεκτικὴ and upon this account it is Debated, Whether the Son of a King ought to be preferred to his Brother and all the Peers? And generally, whether the Nephew ought to be preferred to the Uncle who was his Fathers second Brother? And I find it Recorded that *Lycurgus* did decide for himself against his Nephew, being the Son of his eldest Brother: But I would distinguish here thus, First in the Families of Kings and Princes, all the Kings Children are preferred to the Kings Brothers, and all the Kings Brothers to the Kings Uncles, and thus it was decided in France by *Henry the III.* *Rupanus pag. 508.* But formerly the Uncles were preferred by the Constitution of *Philip the Long, Anno 1316.* And though in the Roman Empire before *Alexius Comnenus* the the Emperours Son was still preferred to his Uncle; Yet that Emperour desiring to put a Mark of Respect upon his own elder Brother, preferred him to his Son, and now the Sons of Princes are so far preferred, that not onely they, but all the Princes of the Blood are preferred to all other Peers, though they be last Created, as was found by the Parliament of *Paris, Anno 1541.* betwixt the Dukes of *Nevers* and *Montpenier.* 2<sup>o</sup> If in other Families the Brother be of a Dignity equal to his elder Brother, then the Brother will be preferred to the Nephew; as if the Brother be an Earl, and the Nephew a Lord as being an Earles Son, in this case Expectation will not prefer the Nephew, because there are other actual Degrees of Preference. 3<sup>o</sup> If the Uncle were a Lord by Creation, and the Nephew a Lord by Birth, in which case, if the Uncle was a Lord before the Nephew was born, the Uncle ought to be preferred as first in Time, but not if the Nephew was first born, and thus *Balkus* distinguishes, *ad L. ut intestato C. de su. & leg. Hered.* 4<sup>o</sup> If neither the Nephew nor Uncle have any special Dignity, then the Son of the elder Brother is to be preferred to the Uncle; And this last case shews, that the immediate hope of Succession, or *jus expectantis*, is in it self a ground of Precedency, and since a Man and his apparent Heir are *una & eadem Persona* in the Construction of Law, and that in many Things that are Disadvantageous to the Son, he is look'd upon as Heir apparent, in the same way as if his Father were dead; it is therefore just, that as he has the Disadvantages of an apparent Heir, so he ought to have the Advantages of an apparent Heir: And thus We see that Our Statutes having Declared Comprisings bought in by the apparent



rent Heir to be Redeemable by the Defuncts Creditors, It was found that a Comprising bought in by the eldest Son, even whilst his Father lived, was Redeemable from him, and that he was an apparent Heir, in the construction of Law ; And therefore since the Law puts him in the same case, as if the Father were Dead, he ought to have the same Precedency, and consequently ought to be preferred to his Uncle, to whom he would certainly be preferred, if his Father were dead. It is remarkable that in *Scotland*, the Uncle was of old acknowledged to be King during not only the Pupillarity of his Pupil ; but during the Uncles own Natural Life, which being an Invasion upon the Natural Right of Our Kings, was abrogated under *Kenith* the III.

Q U E S T I O N XIII.

*Whether should an elder Brother, who was Born before the Father was Preferred to the Dignity of a King, Marquess, Earl, &c. be Preferred to a younger Brother who was Born after his Father had attained to either of these Dignities ?*

LAWYERS have varied very much in this Point, For some have been of Opinion, that those that are born before the Dignity was attained, cannot pretend to the Precedency due to the Father, for he cannot be said (say they) to be the Son of a King, or Marquess, whom a King or Marquess did not beget ; And since those who are born before a Crime is committed, loose not their Dignity by the Fathers committing of the Crime, So by the Rule of Contraries, he who was Born before his Father was Advanced to a Dignity, ought not to participat of that Dignity : This they found likewise upon expresse Laws, *L. si Senatus Cod. de Dignitat. L. Imperialis Cod. de Nupt.* and thus *Darius* was preferred to be King of the *Persians* to *Artabazanes*. Others do more justly conclude, that these are to be Preferred though Born before the Dignity was obtained ; For, if he who was Born in that Condition can be called the Kings Son, he must be the Kings eldest Son ; And it were very absurd that the Father should be Noble, and the Son not ; And if a King had but one Son, he could not be King if this were allowed : and this is most clear *L. Senatoris Filium ff. de Senat.* where it is said, That he is as well to be called the Son of a Senator, who was Begot before the Father was a Senator, as he who was Begot after ; And though this be true as to Succession, and as to the Degree of Nobility in general, yet many Lawyers are of Opinion, that they do not attain to so eminent a Degree of Nobility, as if they had been Born after the Father attained to his Nobility ; For by the former Law, *si Senator natus ex illustri ante Dignitatem adeptam, est clarissimus ; solum natus postea, illustris :* Others there are who say, That these who were Born before, may succeed to Honours which descended from old Predecessors, but those which

were acquired in the Fathers own time, should onely descend to such as were Born after these Honours were acquired. But now generally in *Europe*, and particularly with Us, even those who were Born before the Father attained to any Dignity, do participat of his Dignity, as if they had been Born after the same was acquired in all Cases.

Q U E S T I O N XIV.

*Whether ought a Son who is in publick Employment and Dignified, to Preceed a Father who is not ?*

It is answered, That a Son being in publick Employment ought to preceed a Father who is not. And thus *Fabius Maximus* commanded his Father, to light down from his Horse, when he was to meet him ; and was praised for maintaining the Dignity of the *Roman* Empire in this case : And the Son in this case is not a private person, but Represents the Prince or Common-wealth, who are to be preferred to any person ; and therefore *Laurentius Celsi* was justly taxed at *Venice*, because he would not meet his Son when he was newly made Duke of *Venice*, least by being discovered before him, he should lessen the Prerogative of a Father.

But it may be doubted, Whether though this hold in Employments, it ought to hold in Titles, since in these the Son represents not the Common-wealth ; And therefore in these cases the Laws of Nature ought to prevail above the Laws of Honour, especially, if there be none present but Father and Son ; But if there be a third person present who will take the place from the Father, but not from the Son, then the Son must preceed the Father ; because, though he yeeld to his Father, yet he should not yeeld to a third Party : And it is a general Rule in Matters of Precedency, that I must preceed you, if I preceed him who preceeds you, which is not unlike that *Maxim* used in other parts of Law, *qui vincit vincentem me, vincit me.*

Q U E S T I O N XV.

*Whether may he who has the Survivance of Employment, challenge any Precedency upon that Account ?*

To this it is answered, That he cannot Claim any Precedency : For, though there be there the hope of Succession, and that the person to succeed be in *actu proximo*, and that likewise it may seem that he is advanced to a Dignity, and so ought to have a Precedency suteable to it, and that it may likewise seem fit for the Interest of the Common-wealth, that these should be Respected and Preferred who are marked out for the Service of the Common-wealth ; yet Law nor Custom have given them no Precedency, for since they have actually no Dignity nor Power, they ought



ought to have no actual Precedency : And thus it was found by the Parliaments of *Paris*, and *Tboloms* in *Anno* 1551. & 1560. that these who had Survivances were onely to be preferred, according to the Dates of their actual Admission ; And so these who were Admitted to be Councillours or Judges, after they got their Survivance, ought to have the Precedency from them, if they did actually administer before them, *Tit. L. Maverni Notat. quest. cap. 72. Math. de offic. diff. Neapolitan. 1.*

### QUESTION XVI.

*Whether does the Daughter of a Lord, who would himself have been an Earl if he had lived, take place from the Daughter of a younger Earl.*

It may be alleged that the Daughter of the Lord should not precede, because, an Earles Daughter should still precede a Lords Daughter, and this Ladies Father was never an Earl, nor are We to consider futur Honours in the matter of Precedency ; And as she would not take it in her Fathers time, so neither ought she after his death : And as her Father himself, being a Lord though an Earles Son, would not have taken place from the younger Earl, so neither should the Lords Daughter from the Earles Daughter, he being a younger Earl then that Lords Father : And I find by the Heralds Records in *England*, that Sir *Thomas Lees* Daughter got a Warrant from the King, to take place as a Lords Daughter, her Father having died before his Father the Lord *Lee*, which proves that she could not have taken place otherwise, and this is commonly receiv'd in *England*. But yet it may be Debated, That the Daughter of that Lord should have the Precedency, since her Father would have been an elder Earl ; And though she could not take place during her Grand-fathers time who was the elder Earl, yet *per jus representationis*, and the right of Representation, she comes after her Grand-fathers death, to be the Daughter of the elder Earl, for Honour is but a part of Succession ; and therefore she might have right to her Fathers Succession, if she have not Brothers, she may by the same reason have Right to the Honours : And it were very ridiculous to Argue so, as that her elder Brother (if she had any) might take place as an Earles Grand-child, and that she could not take the same place as his Sister ; and consequently, since he would take the place of that younger Earl, so should she of that younger Earles Sister or Daughter : And the Reason why she comes to a higher Degree of Precedency by the Death of her Grand-father is, because by the right of Representation her Fathers Family comes in the Grand-fathers place. And to shew, that this Argument, *viz.* Your Father had not the Precedency of me, therefore you cannot have it of my Daughter, is a weak Argument in cases of Representation, may appear from this, That if it were a good Argument, the

younger Earl might aswell say to that Lords Son, Your Father never took the place of me, so neither can you ; And though it may be answered to this Argument, that the Disparity betwixt the the Brother and Sister lieth in this, That the Son Represents the Grand-father, but the Daughter does not ; Yet if We consider it nearly, even this Answer is Fallacious : For though the Daughter Represents not the Grand-father, yet the Fathers Family Represents the Grand-fathers, and so participates all the Honours of the Grand-fathers Family by that Representation ; And as the elder Brother becomes an Earl, Because, if his Father had lived he had been an Earl, so she ought to have the Precedency as an Earles Daughter, because her Father would have been an Earl for the same Reason.

### QUESTION XVII.

*Whether if the elder Brother be Mafor Dumb, &c. does the second Brother get the same Precedency, as if his Brother were dead ?*

I have heard this case much Debated, some Contending, That such as were Incapable of succeeding, were to be Reput as dead, & *per cap. 1. an Mutis surdis*, it is expressly declared, that such as are born Deaf or Dumb, or are naturally Idiots shall not Succeed : But others thought that even these are to Succeed, but have onely their nearest Agnats given them for Curatours, and so they are Heirs ; And consequently, the Precedency is not due to their nearest Friends during their Life, and they may have Children who would exclude their nearest Agnats. I find some Lawyers distinguish betwixt such Defects as are Natural, and follow the Havers from their Birth, and these Defects to Exclude from the Succession, so that the next Heir has the same Precedency, as if his elder were dead, if the Succession be of Kingdoms, or Fews that have a Dignity annexed to them : But in private Rights, and where the Defects are Accidental, they assert that the Right remains with the Heir though Defective, and consequently he retains also the Precedency, *Tiraquel. quest. 22.*

### QUESTION XVIII.

*Which of two or more Twins ought to Precede, when it is Contraverted which of them was first Born ?*

We have a remarkable instance of this, *Gen. 32.* where the Mother desired the Scarlet thread to be bound about his wrist who should be first Born, and as to this point Lawyers have differed very much, For some think that the Estate ought to be divided amongst the Pretenders, if it be divisible of its own Nature ; Or if it be indivisible the Superiour may prefer either he pleases, if the Succession be of a Few ; Or the Decision may be referred to Lot in privat Persons ; Or to the



the Vote of the Representatives of the Kingdom, if the Succession be to a Monarchy. Some likewise are for the Brothers possessing by turns and alternately; and though one Witness be not sufficient generally to Establish the Right of Succession, yet if any one Woman was only present, her Testimony would certainly prefer either, necessity forming it self into a Law here, as in other cases, *vid. Tiraquel. de Jur. primi Gen. quest. 17.*

### QUESTION XIX.

*Whether do Natural Children Born before a Lawful Marriage preceed? And should they be preferred to the Children Born in a Lawful Marriage, if they be Legitimated thereafter?*

THIS case did exist in a most illustrious instance in Scotland: For King Robert the second having begot a Son upon Elizabeth Mure, he thereafter Married Eupham Daughter to the Earl of Ross, and had by her the Earles of Strathern, and Athol; after which having married the said Elizabeth Mure, that Marriage did Legitimate her Children, and by Act of Parliament, preferred to the Children Born in the Lawful Marriage. The Reasons *pro* and *contra*, urged in that Debate at that time are now unknown; But the Arguments which might have been urged in the case, are, 1<sup>o</sup> That a Son so Legitimated would Seclude without all Controversie all Uncles, and other Agnats, Therefore by the same he should Seclude his other Brothers, *§ si quis autem defunctis Auth. quibus mod. nat. cap. 1. qui Filii sunt legit.* 2<sup>o</sup> Legitimation is Retrotracted and drawn back to the time of the Nativity, *cap. tanta qui fil. sunt legit.* and Legitimation puts the Person so Legitimated in the same Condition as if he had never been a Bastard, *L. si quis Filio § pen. ff. de injust. Test.* and this is bestowed as a particular Respect upon Marriage and its sacred Character, and to invite Men to make Satisfaction for the wrong they have done. 3<sup>o</sup> By the Roman Law those that were born in Captivity were not capable of Succession, but how soon they were Ransomed and had returned, they were restored to the Right of *primo-genitor*, and preferred therein to those who were thereafter born at Rome: And therefore since such was the Force even of a Civil and unreasonable Fiction, much more ought greater Force to be allowed to Legitimation, which is founded upon so Just and Pious Principles. 4<sup>o</sup> *Quo ad* the Right of Succession, the time of the Defuncts death to whom he is to succeed, does, regulat the quality of the Succession: And therefore since the Person legitimated was capable of the Succession the time the Defunct died, and was then likewise the eldest, he ought to Succeed as eldest, whatever his Condition was the time of his Birth, *L. post Consanguineos § proximam ff. de suis & Legit. nec enim prius ubi de cuiusque conditione queri quam hereditas vel legatum ad eum pertineat, L. in oportet. l. de Legat. 2.* 5<sup>o</sup> The eldest Son was always

eldest, and was onely hindred from this Right of *primo-genitor* and Precedency, by the Legal imperfection of his Birth, and therefore this Impediment being removed by the same Law which put it, his Birth right continues intire.

But whether this Priviledge should be granted to such as are Legitimated by the Prince, and not by the subsequent Marriage, may be doubted? And I incline to think it should not, because the special Reason of the former Concession depends upon the Favour and Honour of Marriage; and this is likewise clear, *cap. & quoniam Auth. quibus mod. nat. vid. Imolam. in cap. Grand. de sup. negl. Pralat.* And my second Argument is, That the Prince cannot by any deed of his prejudice third Parties; But here such a Legitimation, would prejudice the Children of the intermediate Lawful Marriage.

### QUESTION XX.

*Whether ought the Order of the Nomination to be Observed in Commissions, where the Persons are Ranked otherways then can be consistent with the Kings former express Grants?*

AN instance of this may be given in this case, *viz.* The Mayor or Provost of a City being Patron of a Colledge within their own Town, His Majesty grants a Commission for visiting that Colledge, wherein he names first the Bishop, then the Mayor, &c. The question may be moved whether the Bishop ought to preceed, because he is first named; or the Mayor because he has most interest, being Patron, Who may likewise alledge, that the Bishops Nomination proceeded only from the Ordinary Custom of naming Ecclesiasticks first.

As also, If in a Commission of Justiciary, three Lords of the Session being named, and the youngest of the three being first named in the Commission, It may be doubted, whether the Seniority formerly acquired in the Session ought to be Observed, and give Precedency in Sitting and Voting; or if they ought to Sit and Vote, according as they are named in the Commission: And it may be alledged that the Seniority in the Session ought to be Respected, there being a right of Precedency thereby acquired, which cannot be prejudged by a Nomination, which might have proceeded upon mistake; since it is not to be presumed that His Majesty would Degrade any whom He continued otherwise in so eminent a Dignity: And as if two Brothers were named in a Commission, the elder would sit and vote first, though the younger were first named, that inversion being presumed to proceed from Error; so ought the same to be observed amongst Judges who are in effect Brothers. Some likewise use to argue in such cases from the reiterated Order of Nomination, and think that if the Persons Commissionated be oft named after the same Order, that the Order of Nomination in that case is presumed to have proceeded from an express Design of giving Preference, and this they call



*argumentum a geminatione actuum*; But in my judgement it is no infallible Argument, for these Repetitions proceed in course.

### QUESTION XXI.

*In the Competition betwixt two who are Advanced at the same time, but in different Writs; As if two Patents were subscribed by His Majesty to two several Earles on the same Day, which of the two were to be preferred?*

IN answer to this, It is generally concluded, that though both be granted on the same Day, and in the same Hour, the Priority of His Majesty's Subscription would prefer him in whose Favours His Majesty did first superscribe; which may be cleared by His Majesty's own Declaration, for he being the fountain of Honour, he is the onely fit Judge in all Contraversies concerning it, or if his Majesty do not remember, the Declaration of His Secretary is undoubtedly to be believed, *nam in his quæ attingunt officium, officium gerentibus est credendum*; But if both His Majesty, and His Secretary were dead, some think that there were place left for the succeeding King to gratifie either, since the compleating of Rights depends absolutely upon him, who is the first Granter: And by the Feudal Law, and Ours, if Resignation be made at the same time in the Superiours hands, in favours of several Persons, *locus est gratificationi*, as Craig also tells Us, and he may prefer either as he pleases.

Some contend that where several Patents are granted in the same Day, the King may prefer either, though it be known which of the two Patents were first signed and superscribed: For in Law, where the difference of time is so little, the Law looks upon it as no Difference at all, *nam de minimis non curat prætor*, and Albericus who has writ a Treatise *de minimis*, is of this Opinion, and We see that the Law in other Cases brings in equally such as approach so near one another in time, nor can the King be said to be *functus officio*, and to have denuded himself of the power of Preference, where the right of Preference is so small; as when the King superscribes both the Patents at the same time, as that he does not intermix any other business, *nec divertit ad alium actum*, there indeed it seems that neither can claim Preference by the Priority of Signing, since it appears His Majesty had no design of Preferring the one to the other, and Papers are ordinarily presented to him by accident, as they fall in course. It may then be alledged, that in such dubious cases, where Preference cannot be known from the superscription of the Patents, and where His Majesty does not Declare the Preference by any posterior Act, but leaves both Parties to the Common Law, that there he who had the Precedency before these Patents ought to be continued in the Preference, since in all dubious Cases the Law still prefers the Possessor, & *semper in casu dubio pro possessore respondendum*; Nor can it be imagined that

His Majesty designed to Degrade a Person whom He hath actually Preferred; But so it is, that to postpone a Man to him to whom he was formerly preferred, is somewhat to Degrade him: And since Accumulation and Conjunction of Titles has very many effects in the case of Preference, the least effect it can have, is to prefer the latter in such a dubious case.

I likewise conceive, That if two Patents were given at the same time, One to a Person who had served His Majesty, and much more to an actual Domestick, and the other to a Person who had not served, nor were no Domestick, that in these Cases he who had served, or were a Domestick would be preferred, because of the presumed Affection of the Prince, and the former Service of the Receiver.

### QUESTION XXII.

*Whether is Precedency to be Ruled according to the date of the Provision, Investiture, or actual Possession?*

THERE are three several times from which ordinarily Precedency is computed, The first is the time when the Honour is first granted, which is called by Lawyers *tempus provisionis*, If the Advancement be of one single Person to a single Dignity; or *tempus Cooptionis*, if the Person advanced be associated into any Society, as to be One of mee Judges, &c. The second period of Time, is the time of the Investiture, as when a Nobleman is brought in in his Robes. The third is, the time when he apprehends actual Possession.

These who write upon this Subject do conclude, That Precedency is to be given not from the time of Promotion or Provision, but from the entry to Possession, so that he who is last Provided or Dignified will have Precedency, if he first actually apprehended possession, *Bald. in cap. cum olim. de consuetud. Gothofred. de Preced. cap. 3. num. 18.* and thus he observes the Courts of Rome, Paris and Tholoms to have decided, and for this he cites *l. ult. ff. de Excusat. Titos. l. 1. Cod. Theod. quis in Grad. Prefer.* and since Administration is the end of that Advancement, the Act is not Compleat till then.

Though this hold in Honours which require Administration, such as the being in a Judiciary, &c. Yet it holds not in Honours where no Administration is requisite. And thus, if two be Advanced to be Barles, he whose Patent is first past the Kings hand will have the Precedency, though the other serve in the first Parliament, or be present there a day before the other, or have his Patent first Registrat; for it is the King, and not his Clerk, that makes Noble, but yet this is Debated by *La Roque, cap. 66.* Lawyers likewise Observe that the former Rule, preferring him who has first Served to him who was first Provided or Invested, holds good, though he who was first Provided or Invested was not *in mora*, and



and did not delay to take Possession, but was hindered by some extrinſick Impediment, ſuch as Sickneſs; And this they ſay was decided the 27 of April, 1594. in *Rota Romana*, and this is obſerved to be the common Opinion by *Gonzales ad regulam 8. Cancel.* and this they prove by the Analogy of other Feudal Rights, which being to be compleated by Poſſeſſion, the Law conſiders not whether the Party who ſhould have poſſeſt was hindered from attaining to Poſſeſſion, but who firſt attained to Poſſeſſion.

### Q U E S T I O N XXIII.

*Whether does the Dignity of him who beſtows the Honour, Regulate the Precedency that is beſtowed among Equals?*

IT is answered, That it does, all other things being Equal; and thus thoſe who have the ſame Dignity from a King, as for inſtance, Thoſe who are made Knights by a King are preferred to thoſe who are made Knights by a Common-wealth; And amongſt Common wealths, thoſe who are made Noble by the greater Common-wealth are preferred to thoſe of the ſame Degree made Noble by a leſſer Common-wealth, *Gloſſ. ad L. 2. de Alb. ſcribend. Menoch. Conſil. 126. Lauferus de Dignitat. Concluſ. 32.* and this holds ſo far, that the youngſt Knight admitted by the one is preferred to the eldeſt admitted by the other: But Knights admitted by a Commiſſioner, are not upon this account to be poſtpoſ'd to thoſe made by the King himſelf, ſince they are in the Conſtruction of Law admitted by the ſame Dignity, & *qui facit per alium, facit per ſe.*

It is very obſervable, that the *French* King prefers the Dukes made by the Emperour, not onely to the Dukes made by himſelf, but even to the Ambaſſadors of Forreign Kings; though I think this is allowed onely to theſe Dukes, who are Sovereign Princes. By this rule likewise it is, that the Clerks of a Superiour Court are preferred to theſe of an Inferiour, ſince they derive their power from a higher Jurisdiction.

### Q U E S T I O N XXIV.

*Whether can a Prince Nobilitate any of his own Subjects in the Territories of another Prince?*

IT has been Argued that he cannot; becauſe he cannot beſtow Honours, but where he is a Prince, but ſo it is, that he is not a Prince, at leaſt hath no power in the Territories of another Prince: Which Opinion ſeems to be founded on *L. ult. ff. de Off. præſect. Urb.* and therefore *Sigismund* the Emperour having deſigned at *Lions* in *France*, to Create the Earl of *Savoy*, Duke of *Savoy*, he was reſiſted by the Governour of *Lions*, till the *French* King ſhould be advertiſed; And *Charles* the V. having whiſt he was Emperour, Created ſome Lords and Knights in *France*, though at the deſire of *Francis* the I. the *French* King,

their Creation being thereafter Contraverted by their Peers, It was found Illegal: But yet I incline rather to *Nellus's* Opinion, *de Nobilitate c. 2.* who thinks that a Prince may Exerciſe any Voluntar Jurisdiction without his own Dominions, eſpecially in Relation to his own Subjects, *L. 1. ff. de Officio pro Conſul. Bartol. in L. 1. Col. 9. La Rocque triact de la nobleſſe, c. 76.* and if they ſhould attempt againſt his Life, they would be guilty of Treason, though the attempt was made in a Forreign Nation. Lawyers likewise have allowed to Princes all manner of Jurisdiction, even within the Dominion of others: And therefore I much admire, how theſe Honours that were beſtowed by *Charles* the V. could have been thereafter contraverted, if the perſons to be Dignified were the Emperours own Subjects; but I believe they were not.

### Q U E S T I O N XXV.

*Whether when the Preſident of any Court or Incorporation is abſent, may the eldeſt Member Convocate the Incorporation? And who ought to precede in that Caſe?*

TO the firſt of theſe Questions it is answered by ſome Lawyers, That the Preſident being abſent, the eldeſt Member in Dignity, may by his own Authority call the meeting *Convocare Collegium*, as they call it, and of this Opinion are *Hoſtienſis, Panorm. Bal. ad cap. 1. de Major & Obel.* but others are of Opinion that the Major part has only right to convene the reſt in that caſe, *Innocent. ad cap. 2. de operi. nov. nunc.* But a third Sect of Lawyers do, for agreeing the former Opinions, aſſert that in Eccleſiaſtick Meetings, the eldeſt may by his own Authority call the reſt, but not ſo in Laick Meetings; and the reaſon of this Diſtinction ſeems to be, becauſe Churchmen are bound to give more Obedience to their Seniors, and there is leſs fear of Deſign amongſt them, both becauſe they are preſumed to be more diſintereſted, and becauſe in their Meetings their Poſterity is not to gain: But without any Diſtinction I ſhould think, that the eldeſt may always Convocate, for there may be hazard in delay, if the greater part were requiſit, for the queſtion ſtill recurs who ſhould call the greater part, nor can there be great hazard in calling, for the onely hazard is the packing of a Quorum, and this may be prevented, by impoſing a Neceſſity upon thoſe who meet to advertiſe the reſt.

To the ſecond Queſtion it is answered, That this is much to be determined by Cuſtom, and Our Courts in *Scotland* ſuſſer not the eldeſt to preceed, but chooſe alwayes one to preceed in the abſence of their conſtant Preſident; and this ſeems to be moſt Reaſonable, becauſe every Member of a Court is not ordinarily fit to be a Preſident: And yet there are ſome Lawyers who diſtinguiſh betwixt ſuch Courts, to whom the chief Magiſtrat has choſen no conſtant Preſident; and in theſe they ſay the eldeſt cannot preceed,



though they say he ought to preceed in these Courts where the King has choos'd a President, for as in these the Members cannot choose a constant President, so neither can they choose a Vice-president, since *surrogatum subit naturam surrogati*, whereas the eldest is a President by the Magistrates tacit Election, since he has that Seniority from the King, or supream Magistrate, which does prefer him to be President: and we see that amongst Soldiers, the eldest Officer always commands, when the superiour Officer is absent.

## QUESTION XXVI.

*Whether may a Peer be Degraded, because he hath not an Estate sufficient to entertain a Person of his Quality? And by whom may he be Degraded?*

It would seem that a Peer cannot be Degraded, though he hath not a suteable Estate, because the King may Nobilitate a Person that wants an Estate, and Nobility being a right derived from Blood, it seems to have no Dependance upon Riches; and as the having of Riches gives not Nobility, so neither should the want of them take it away; Likewise this is very expresse by the Roman Law, *Lege humilem, Cod. de Incest. nupt.* where it is said, *humilem & abjectam feminam non eam esse quæ licet pauper sit ab ingenuis tamen parentibus nata est.* And that this hath been very anciently the Opinion of the World, is clear from that of *Euripides, apud Stob. serm. 86. πῦρς γὰρ καὶ ἐνὶ ἀπλεσίῳ τοῦ πατρὸς γένεαι.*

But I find that *Cook 4. inst. folio 355.* and the Authour of *Jus Imaginis, pag. 25.* conclude that Poverty is a good cause for the Degradation of a Peer, an instance whereof, they give in *George Nevil Duke of Bedford*, who was Degraded by Act of Parl. 17. *Edward the IV.* of which Act this is the tenour, *And forasmuch as it is openly known, that the said George hath not, nor by Inheritance may have any livelyhood to support the said Name, Estate, and Dignity, or any name of Estate, as oftentimes it is seen, that when any Lord is called to high Estate, and have not livelyhood convenient to support the same Dignity, it induceth great Poverty, and Indigence, and causeth oftentimes Extortion, Embracery, and Maintenance to be had, to the great trouble of such Countries, where such Estate shall happen to be inhabited; Wherefore the King by Advice of his Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, Ordaineth, Establisheth, and Enacteth, that from henceforth the same Election, and making of the same Duke, and all the names of Dignity to the said George, or to John Nevil his Father, be from henceforth void, and of none effect, &c.*

From which Act three Things may be well observed,

First, That the said Duke had not any Possessions to support his Dignity, yet his Dignity could not be taken away from him without an Act of Parliament.

Secondly, The inconveniencies appear, where a great Estate or Dignity is not accompanied with a Livelyhood.

Thirdly, This is a good Cause to take away the Dignity by Parliament.

For reconciling which Opinions, it seems indeed, that though a person who is noble by Birth should fall into poverty, yet that poverty can no more Degrade him from his Nobility, then it can taint his Blood; but though it cannot root out that Noble Character from his Blood, and make him no Gentleman, yet it seems a good reason why he may be Degraded from being a Peer of the Realm: For he being a Peer, is no necessary effect of Blood, but a mark of the Royal bounty, bestowed for the better Government and Advantage of the Kingdom, Earles being by their Original *Præpositi Comitatus*, or Commanders of the County, and Counties or Shires are so called, because they are the Governments of a Count or Earl: And therefore when the King and Parliament find that they are not fit to bear this quality, they may justly take away that Honour that was given, nor can there be any thing so inconvenient, as that these should represent the Kingdom in its greatest concerns, and burden it with Taxes, who have no interest in the one, nor can bear any share in the other. And that these Feudal Dignities and marks of Nobility may be taken off by the loss of the Fews, is clear by *Bartolus in L. inam. Cod. de Dignitatibus*, and that this is the custome of Sicily is clear, *Afflicus. Col. non. in 6. not.*

It may likewise seem reasonable, that as the King onely can bestow Nobility, so that it should be onely proper for him to Degradate; And since he may Create any Nobleman though he be poor, so he may continue him so, notwithstanding of his Poverty, specially seeing the being a Peer is but to be the Princes Counsellour, nor can any judge who are fit to be his Counsellours, but himself; nor is the Parliament any thing but his great Council: But since this Degradation is a kind of Forfeiture, it seems that the Parliament onely can be Judges therein, since the King does not use to Forfeit by his own Authority; And though the former Arguments may prove that a Peer cannot be Degraded for poverty, except the King pleases, which is certainly true, since no Act of Parliament can pass without his Royal consent, yet they prove not that the King may Degradate a Nobleman by his own Authority, except he may Judge all cases immediately by himself.

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QUESTION XXVII.

*Whether is a Patent never made use of by the Father, valid after his Death?*

IT is answered, That though the Patent being granted to such a man therein Designed seems to die with him, and that the Father dying with this quality cannot transmit it to his Son, yet it is certain, that the Patent is valid to his posterity: For except where it was Designed to be personal, it is conceived in Favour of a Man and his Heirs; and thus it was judged in the cause of *Quesnel* Advocate in *Roman*, 4. May 1623. *vid. La Roque cap. 67.*

QUESTION XXVIII.

*Whether if the Father use any low or base Trade which Derogates from Nobility, will his Children and Descendants loose it thereby?*

IN answering to this case, We must distinguish betwixt such as derive their Nobility from their Fathers onely, and some think that in that case, the misbehaviour of the Father does extinguish the Nobility of the Race, and that the Descendants are no more Noble, except they be restored by an expresse Gift, Or otherwise the Nobility of the Race has descended from a long Series of Predecessours, and then the Fathers Deed does not prejudice them, since they do not owe their Nobility to him, and the Prince having Nobilitat such a man and his Posterity, they owe their Nobility to the King, and derive it from him equally with the Father, which Distinction I find in the Learned *Faber. Cod. L. 9. T. 28. Def. 1.* But it seems that by this last reason, Even that Nobility which is begun in the Father cannot be lost by his fault: And therefore some Lawyers have been of Opinion, that that Nobility which descends by immemorial Possession, and which flows not from a particular Privilege and Concession, can never be taken away by the Fathers baseness or crime, *Wornesius tom. 1. responsum de Jure Pontificio Consil. 20. num. 7.* And thus we find in the *Roman* Story, that *Marcus Emilius Scaurus* was found not to have lost his Nobility by his Fathers becoming a bearer of Coals, *Curt. conjectur. jur. civil. lib. 2. cap. 20.* and others think that as it is sufficient for acquiring Nobility, that the Grand-father and Father have been reputed Noble; So by the rule of Contraries, it is sufficient for extinguishing Nobility, that the Father and Grand-father have been reputed Ignoble; And though the rights of Blood cannot be lost by prescription, yet Nobility may be lost, as all other privileges can, by not exercising or owning it time out of mind.

It is fit to know, that in this Isle not onely that Nobility which comes by Succession and Immemorial possession, but even that which comes by Privilege and Concession can be Forfeited by

the Fathers Crime: And in this We differ from *Wornesius* Opinion, and therefore the Children must be rehabilitat and restored by the King; But the Fathers unworthiness in exercising mean Shifts and Trades, does not amongst us Derogate from the Childrens Nobility as in other Nations; Nor do I see any reason for the distinction used by *Wornesius*, for all Nobility must be acknowledged to have flowed originally from the King by Concession, and even that Nobility, which comes by privilege, does descend upon the Children by the Kings grant to them as well as the Father, and so cannot be prejudged by any personal Deed of his, except in the case of a Crime against the King, for that is still implied in the Concession, and it is not just that the Children of Traitors should enjoy those Titles, and that Nobility which might be useful to them in revenging their unjust Quarrels.

QUESTION XXIX.

*One having resigned a Dignity or Employment, and returning thereafter thereto, whether does he who has so resigned return to his former Precedency?*

TO this it is answered, That he does not; but having embraced again the Employment he had formerly resigned, he is onely to have Precedency according to his last Reinstalment, *Lang-leus 7. Semest. 8.* where it is laid down as a rule that Precedency once lost is never recovered, and an instance of this is given *cap. ex Infimuatione 26.* in a Canon, who having once renounced his Benefice, and having thereafter embraced it, is onely to be preferred according to the Date of his last Title.

From this last rule, *viz.* that a Precedency once lost cannot be recovered, *Gotthofred. de Preced. cap. 6. num. 43.* observes these Exceptions,

First, If the person who renounced his Dignity was preferred to a Higher or more Noble, in which case if he return to his first Employment, he looses not the Precedency due to it, for a greater Dignity never prejudices the lesser, *L. 2. C. de Dignitatibus Rupanus, lib. 7. cap. 27.* and contains in it the lesser, *per eminentiam*, as Lawyers speak, *supervenientis major Dignitas auget non minuit statum*, except the two Offices be incompatible in themselves, for then the lesser is extinguished by the greater, *L. si debitoris ff. de fide jussor.*

The second Exception is, If the person in whose favours the Resignation was made, will not accept, and upon his refusal the Resigner does presently return to his Precedency, *L. si forte ff. de Offic. Presid.* And the reason is, because the Resignation being there made in favours of another has that tacit Condition in it, that if the other in whose favours it was made accept not, the Resignation shall be null, and this is the nature of all

Relig.



Resignations in *favorem* with us as to all Fews, as *Craig* well observes.

The third Exception is, If he who made the Resignation do presently repent, for in that case likewise he is in the condition, as if he Resigned not; And thus the Law takes not advantage of Our sudden and undigested Thoughts, *Et uxor que mox rediit divertisse non videtur*.

The fourth Exception given by him is, If he who Resigned reserved to himself his former Precedency: for which though there be several *Roman* decisions, yet it is very debateable, how far a man can by Protestation or Paction, distinguish and reserve a Precedency, when he has Resigned or Disposed the Imployment to which it was annexed; For since the Precedency is onely due upon the account of the Imployment, it would seem that he who has Resigned the Imployment, cannot retain the Precedency, and to do so, were to retain *accidens sine subiecto*.

### QUESTION XXX.

*Whether may a Nobleman resign his Honours in favours of a third Party? And if the Kings Confirmation thereupon will exclude the nearest Agnats, who would else have succeeded by their right of Blood?*

THIS Question seems of great Importance and Intricacy: For it may seem that he may transfer his Title in prejudice of his nearest Heirs, because the Title is onely a Fee, and all Fews may be alienated; nor is this a meer right of Blood, but a Priviledge bestowed by the King, and consequently may be transferred by his consent: Nor can there be any thing more for the interest either of the Kingdom or of Noble Families, than that when the nearest Heir is unfit to succeed, wanting either Means or Wit suitable to such a Dignity, it should be in the power of the King, and the Noble person himself to choose a fit Successor. Likeas this was so decided in the case of *Robert King of Sicily*, *Cl. pastoral. de re Jud.* And many Lawyers have been of opinion, that even elder Brothers might resign their right of Succession and *primo-genitur* in favours of the third Brother, passing by the second, *vid. c. 1. § preterea tit. quib. mod. feud. amit. & Balh. Consil. 389.*

But others conclude, That the nearest by Blood are not prejudged by such Resignations: Because this is a right flowing from the favour of Nature and Law, *Nature & Legis donum quod non potest auferri, L. si arrogator, ff. § sed an ff. de Adopt.* nor is Dignity expofable to Sale or in Commerce, *L. Julianus ff. si quis omiff.* Whereas if such Resignations or Transmissions were sustainable, all Titles might be sold, and the meanest Fellow if Rich, might by the favour of a Minister, and the folly of the present Possessor, exclude the Noblest Race: And by the Feudal Law, though a Vassal may denude himself, yet he cannot transmit his Fee in favours of remoter

Heirs to the prejudice of the nearer, *cap. Titul. tit. si de feud. fuer. Contravers.* this case is not decided with us; but the King upon a Resignation from the late Earl of *Caithnes* in favours of *Glenurby*, confirmed the Title in his favours, but by a new Patent, and without the former Precedency, and discharged by a letter the next Heir to use the Title, till the matter should be decided by the Judge competent. But I find that in *England Edm. II.* granted to *Edmond de Lancourt* upon his Petition a Patent under the great Seal, empowering him to assign his Surname, Arms, and Barony: But the Lord *Hoe* having assigned his Name, Arms, and Dignity without the Kings Licence, the Deed was adjudged void in Parliament; From which the Author of *Jus imaginis*, pag. 27. concludes, First, That the Title of Nobility may be assigned: Secondly, That it cannot be assigned without the Kings Licence: And yet I find that in the Viscount *Parbeck* Case, it was lately found by the Parliament of *England*, that a Nobleman could not levy a Fine upon his Honour in prejudice of his Heir, that is to say, That a Nobleman could not do any deed to the prejudice of his Honour, by alienating or surrendring the same to the prejudice of his Heir, though I am informed that there were very many instances adduced for clearing the contrare opinion.

### QUESTION XXXI.

*Whether does the former right of Precedency remain with him who has resigned the Office by which he enjoyed the Precedency?*

IT seems that the Honour being in that case due upon the account of the Office, should cease with its cause: But yet such respect is given by the Law to those who have once enjoyed an Office, and used it well, that the former Dignity and Precedency is allowed them after they have resigned the Office, *L. cum Legem ff. de excusat. Illi in quos munera nostra redimimus, beneficiis eorum non solum quamdiu militaverunt, sed etiam quamdiu vixerint, perfruuntur*, and *Guid. Pap. relates decis. 377.* that it was so decided: For the being esteemed worthy to possess such an Office is a quality inherent to, and inseparable from the person so advanced, and in most cases even Deprivation does not extinguish the Precedency, because the order still remains, as if a Bishop be deposed he is still a Bishop, and therefore has Precedency as such; But in such cases as the deprivation destroys the order itself, it destroys also in that case the Precedency, as if a Knight were degraded for Cowardliness, he is no more a Knight, and so looses the Precedency annex to the Order, *L. 12. de Dignit. si quid dices se furtis & sceleribus fuerint convicti & convicti, ablati eorum insignibus & locis exuti inter plebeios habeantur.*



QUESTION XXXII.

*If a person do not of himself resign, but be called from his Charge by the Prince to another Employment, and one provided to his place, and returning thereafter to his first Dignity by the Princes command, whether does he get Precedency according to his first or last instalment?*

I find this to have been agitated in the Parliament of Savoy, Anno 1590. in the Case of the Bishop of Alby, who being called from being a Counsellour in that Parliament to a Bishoprick, and his place being filled by another, he thereafter was called back to be a Counsellour: And this may fall out with us in many cases, as for instance, If one should be called from being a Lord of the Session to be Justice General, and should thereafter be returned to be a Lord of the Session: And I find it was decided in Savoy, that the person so recalled ought to preceed according to his first Instalment; but the reason there was that the Prince had expressly declared at his Demission, that if he returned he should return to his first Precedency, and that it were indecent that he who was first formerly in that Judicature, should thereafter sit in the lowest place, meerly because he was once called away to a higher preferment: And in my opinion, If the Prince had not so expressly declared at the first Demission, the case might have been harder, but that Declaration made that those who were thereafter preferred, could not think themselves prejudged by this new readmission, since their Instalment was still burdened with this tacit quality. I likewise think, that if he had returned before any others had been advanced, the difficulty had been much less, since there no third party was prejudged of a right acquired *medio tempore*; albeit it might be alleged that by his Translation, the other Judges formerly below him succeeded to his right of Precedency; For against this I conceive the former protestation could have easily guarded, albeit that protestation does seem *contraria facto*, and the quality adjected to be inconsistent with the nature of the thing, where the place was filled by another, since regularly two cannot preserve the same Rank or Degree, *Arg. L. cum in Testamento ff. de hered. instituend.* It may be likewise argued, that though this quality and protestation was admissible, where the party so called away was called to a higher Dignity of the same rank, that there the lesser was posselt by possessing the greater, as if a Justice General should be called back to be a Lord; Yet this would not hold, notwithstanding of the former protestation and quality, where he is called away to a lesser employment, or where he is called to an employment of a different and incompatible Nature, as from being a Judge to be a Collonel: And yet all these questions seem of less difficulty with Us, where the Prince may certainly admit a

Judge to be the first or last: And therefore amongst Us these Questions would onely take place, where the person formerly installed was called away or preferred without any such Declaration by the King in his favours.

QUESTION XXXIII.

*Whether does he who is suspended from the Exercise of an Office, return to the same Precedency when the Suspension is taken off?*

To this it is answered, He does: For though a Suspension may seem a Degradation and a Privation of the former Honour, and all Privations extinguish, *nec datur regressus a privatione ad habitum*, yet, Suspension is in Law declared to be onely a temporal Interdiction from the Exercise, but not an extinction or Privation of the right: And this is clearly determined, *L. 2. § ff. de Decurion.* and by *Langlaus. 7. Semest. 8.*

QUESTION XXXIV.

*Two having Offices, and changing one with another their Employments for a time, whether when they Resume their former Employments, do they return to their former Precedency?*

It is answered, Where two did exchange Employments, and thereafter returned to their old Employments, Lawyers are of opinion, that in that case they return to their former Precedency, and that their Employments are not looked upon as new Employments, because the one posselt still by the other, and so the Possession was still the same, as if it had been by themselves, *L'oiseau lib. 1. cap. 7. Rupan. lib. 7. cap. 27.* but though this may hold where both of them changed but for a time, since there indeed the one posselt by the other; yet this seems harder, in the case where both of them exchanged absolutely and for ever: For there, their former right seems to have been extinguished, and the Employments to be new as to both.

QUESTION XXXV.

*Whether is he who is restored by the Prince to a Dignity, from which he was Degraded, to be restored to the same Precedency which he had formerly?*

To which it is answered by *Gottbrosfeld. cap. 6. Thes. 45.* That he is not by this Restitution to recover his former Precedency from which he was Degraded, but he must preceed by vertue of his new Title onely: But I should rather distinguish betwixt these who are restored by way of Justice, in which case the Precedency ought to be the same, because the Restitution by way of Justice takes away the Impediment and Degradation, as if it had never been; but where the

Resti-



Restitution is onely by way of Grace, there the Fault and Sentence still remains, though the punishment be taken off; and there the Restitution ought not to restore the Precedency, in prejudice of those who had acquired titles betwixt the Forfeiture and Restitution: A clear instance whereof we have in the Earl of *Crawford*, who being Forfeited for Rebelling against King *James* the II. at the Battel of *Briehen*, and being thereafter restored, he was not restored so as to take place from the Earl of *Huntly*? But yet it is observable, that the 1. *Act. p. 16. p. 87. 7. 6.* which appoints Restitutions *per modum gratie*, not to prejudice third parties; speaks onely of Lands, Possessions, and such other parts of the Estate forfeited, but speaks not of Honours; and therefore some conclude that persons forfeited may be restored to the Honours of their Family, notwithstanding the Precedency by the rest of the Nobility in the *interim*, which is the rather received amongst us, that the King may with us create an Earl with the Precedency from all others, as he could have done in *England* before the Statute of *Hen. VIII.* For I find by the Herald Records, that *Edmond* of *Hudham* is created Earl of *Richmond*, & *quod habeat sedem in Parliamentis & alibi proximum ducibus*: And *Henry Beauchamp* Earl of *Warwick*, is made *primus Comes Anglie*, whereas he was formerly almost last, and thereafter is created Duke of *Warwick*, with this addition; That he shall go Mite-like with the Duke of *Northfolk*, and above the Duke of *Buckingham*. And since our Kings had this Prerogative, and that they have not restricted themselves, they might have it still, though they should use it sparingly.

### QUESTION XXXVI.

*Whether have the Ambassadors of Monarchs the Precedency from other Monarchs or Princes themselves, if personally present, even as the Kings would do whom they represent? And if in all cases an Ambassador ought to have the same Precedency that is due to his Constituent?*

To this it is answered, That though an Ambassador represents the Monarch from whom he derives his Commission, and that some learned Lawyers do upon that account assert, that they are to have the same Precedency that is due to their Master, and so to be preferred to all Kings and Princes though present, to whom their Constituents would have been preferred, *Paschal. de Legat. cap. 33.* yet the custom of Nations has run contrar to his opinion, in preferring even inferiour Kings and Princes: And it is decided amongst the Princes of *Germany*, *Tit. 25. Aurea Bulle, Car. 4.* And in *Anno 1542.* the Ambassadors of *Charles* the V. Emperour, were decerned to cede the Precedency to *Ferdinand* King of the *Romans*, and the Reasons are, 1<sup>o</sup> Because Princes found it their Interest to have no Subject compete with them, or to have their own preference lessened

by such marks of Disrespect. 2<sup>o</sup> In a Prince who is present there resides True and Original Majesty; whereas an Ambassador is onely dignified with a Supposititious and Representative Honour, shining (if I may so say) with borrowed rays: And of this opinion are *Brutus de Legat. lib. 5. cap. 8.* and *Cosla Consil. 44.* though *Zouch. de Jure inter Gentes* seems to favour *Paschals* opinion.

It may be likewise doubted, whether an Ambassador does retain the same Precedency due to him as Ambassador, when the Prince who sent him comes to the place himself: And this was debated by the Earl *Mariball* who was sent over Ambassador to *Denmark*, when *K. Ja.* the VI. went over in Person thereafter, and brought over Chancellor *Maitland* with him, who challenged the Precedency from the Earl *Mariball*, alleaging that an Ambassadors Power evanishes upon his Princes appearance: Which debate was decided by King *James* in favours of the Chancellor, albeit the Earl contended, That as his Ambassie ceased upon the Kings coming thither, so did the others Office as Chancellor cease in a foreign Kingdom, and therefore that he should have preceeded as being an Earl.

The former opinion preferring inferiour Princes when Personally present, *αὐτοπροσώπων* is so much the rather true, that Ambassadors are not, when they come to visit the Judicatures of the Nations where they preceed allowed the same Precedency; And generally it is given as a Rule by Lawyers, that *in locis & actibus Judicialibus Legatis precedentia solita non servatur, & non pro dignitate Regis aut alterius a quo obligati sunt*, *Gothofred. de Jure precedentie, cap. 7. num. 47.* so that though Kings themselves would sit above all these Judicatures, yet their Ambassadors sit but among them; Thus the *Venetian* Ambassador was onely placed in the Parliament of *Paris* after the Bishops, as *Rupan.* observes, *lib. 7. cap. 10.*

Though Ambassadors have the same Precedency that is due to their Constituents, yet Agents and Residents of Princes have not, nor has the Popes Nuncio the Precedency that is due to an Ambassador, *Gothofred. ibid.* for these in effect are sent oftentimes to prevent the Debates that might fall amongst Ambassadors, and therefore the *French* King sends very rarely his Ambassadors to the Emperours Court, because he knows that Court would give the *Spanish* Ambassadors the Precedency, which he thinks is due to his Ambassadors.

### QUESTION XXXVII.

*Whether have such as have been Ambassadors, or have been in such honourable Employments, any Precedency thereby when their Employment is ended?*

To which it is answered, That though after an honourable Employment is over, whether by

Dimission,



Dimission, or by the expyryng of the Commission, the Precedency thereto annex'd ceases with it; Yet the Prince sometimes gratifies the person with a continuance of some Precedency and Honour: And in the Records of the *Herauld Office* in *England*, I find that in a Court *Marishal*, Sir *Dudley Diggs*, and Sir *Thomas Smith*, were adjudged to have the Precedency from other Knights-Batchelours of their own Degree, because they had been Ambassadours, though their Commission was expyred. In the Customs also of most Nations, a Judge retains still amongst those of his own Bench the same Precedency that he had formerly before his Dimission, or his being laid aside, except he has been laid aside for a Crime or Fault.

QUESTION XXXVIII.

*What place is due to the Representatives of Subjects, such as Viccars, Deputs, Assitants, &c.*

IT would seem that as Ambassadours have the same place that is due to him whom they represent, so those who represent Subjects, as Viccars who represent the Bishop, Deputs who represent Judges, ought to have the same place that is due to those whom they represent: I find that *L. 7. de Honorcodicil. C. Theod.* there are four Dignities Ranked, *viz. Praefectorum, Proconsulum, Vicariorum, & Exconsularium.* And certainly in those Acts, wherein they represent their Constituent, they have the same Precedency that is due to him, *Felin. in cap. cum olim de Offic. de Legat.* And thus by the Canon Law, the Bishops Viccar is preferred to the Dean, and Arch-dean, and not onely are these representative Dignities preferred in the Acts of their Jurisdiction, but even in all other deeds, which necessarily preceed or follow them; And some Lawyers are of Opinion, that they are to be preferred to the same Dignity, in all promiscuous and indifferent Acts which fall in during the time of the Representation, and thus *Cautuccius decis. 582.* is of Opinion, that the Bishops Viccar sent by him to hold a Synod, is to have Precedency before all the Chapter, not onely in the Synod it self, but likewise in all other Assemblies, Visits, and Entertainments, during his Commission: But the contrare of this is maintained by *Menoch, Consil. 51.* And in my Opinion, these Doctors may be thus reconciled, *viz.* If the Representation flow immediately from the Law, or for instance, If the Council should Delegate any man to be Sheriff, there the person substitut would have in all cases during his Commission, the same place that is due to him in whose place he was Surrogat, for there *Surrogatum sapit naturam surrogati*; But if the Representation flow from the person himself whom he Represents, in that case the Representative has onely the Precedency, whilst he is exercising the Office, or in Actions thereto relating; And thus Sheriff-deputs with us have onely the Precedency due to their Constituents, whilst they are exercising these Acts which relate to their Office:

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And yet I think, that those Representatives of Subjects have even in all extrinsick and indifferent Acts the Precedency due to their Constituents, when they meet with others of the same Degree, and thus amongst Sheriff-Deputes, &c. the Precedency is to be given according to the Precedency that is due to the Principal Sheriffs.

QUESTION XXXIX.

*What Precedency is due to Assessors appointed for Judges, and to extraordinary Judges?*

I CONCEIVE that Assessors chosen by a Judge get no Precedency thereby, since Subjects cannot bestow Dignities; but that where the Prince names any man Assessor to a Judicature, the Person so named Assessor, *nam est ejus umbra*, his shadow as the Law speaks, and the shadow should follow the body: And with Us when the Council names Assessors to the Justices, the Assessors vote onely after the Justices; And yet in *France* I find that Assessors take place after the President, and before the other Councillours, and so it was decided at *Paris, 1608.*

It may be also doubted, whether Our extraordinary Lords of Session who sit with and vote after the ordinar Judges, should have place after them if they were not Earles or Noblemen, as by the institution they are obliged to be (but not either as that the King may not promote Gentlemen hereafter) *quo casu*, I think they would take place after the ordinar, as they vote after them: For these extraordinary Lords are like to these *adscriptitii* or *allecti*, *L. 2. C. ut dignit. ord. servetur.* of whom *Capitolinus* in the life of *Pertinax*, *quum Commodus allectionibus innumeris praetorios miscuisset, senatusconsultum Pertinaxe fecit jussitque eos qui praeturas non gessissent sed allectione accepissent post eos esse qui vere praetores fuissent.*

QUESTION XL.

*Whether can the King Creat now an new Earl, and Ordain him to preceed all the former Earles, or any such Number of them as he pleases?*

IT would seem that the King cannot: For there being a Precedency acquired to the former Earles by their first Gift, the King cannot by any new Gift prejudice third Parties, and this were in effect to Forfeit them of their Precedency; Likeas it would seem, that since most Earldoms were granted by creeling Lands in an Earldom in favours of the Receiver, that therefore the Concessions of Land and Honours are of the same Nature, and that no new Grant can prejudice the one more then the other.

But it may be urged on the Kings part, that the King being the onely Fountain of Honour, he may do therein as he pleases, except in so far as he is limited by Law; And therefore since there

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is no Law with us limiting the King in this point, he may do therein as he pleases. 2<sup>o</sup> The King by Act of Parliament, *Henry the Eight*, is limited as to this point in *England*, so that he can grant no such Preference; And therefore it may be concluded that this was formerly in his power even there, and that since he is not limited here, his power is here intire as to this point, whereof many Instances are given in answer to *Quest. 35.* and since that Statute, it is thought that His Majesty may ordain the last Knight to preceed all the rest formerly dubb'd and created, because Knights are not exprest in that Statute. 3<sup>o</sup> We see the King in *Scotland* does impower Countesses to retain their former Precedency, though they marry a Husband of a Rank inferiour to their first Husband; And Dukes Daughters even after their Marriage, to retain the Precedency due to them as Dukes Daughters. 4<sup>o</sup> His Majesty does by new Confirmations transfer the Honours to Heirs Female, though the Patents at first were only granted to Heirs Male, and so by the not existing of the Heirs Male, those Earles who have the next Precedency might aswell alleadge, That the King could not by any new right in favours of the Heirs Female prejudge them. 5<sup>o</sup> His Majesty does sometimes appoint any of his Officers of State to preceed others as he pleases; though these may likewise alleadge, that there is *jus quaesitum* to them by their prior Gifts. 6<sup>o</sup> His Majesty restores the Sons of Persons forfeited to their Fathers Precedency, notwithstanding of the *jus quaesitum*, by others *medio tempore*. 7<sup>o</sup> The King has obliged himself not to prefer the Knights of *Nova Scotia*, or Knights-Baronets, otherwise then according to their Creation, which had been unnecessar, if the King could not have preferred them by His Royal Prerogative: Sometimes also His Majesty confirms to the Nobility the Entails of their Estates, whereby they have power to name their Successors with the Precedency due to themselves, which right being ordinarily ratified in Parliament, uses to establish and transfer the Precedency upon the Heir or Successor so nominated; But since Ratifications pass without observation, and oftentimes without reading, it may be doubted whether such a Ratification should prejudge even those who were Members of Parliament, but much more such as were not present, or such were Created thereafter, these Ratifications not being properly publick and Legislative Statutes, and so can bind onely such as consented.

### Q U E S T I O N XLI.

*Whether if the King should creat an Earl with Precedency to all other Earles, during his life? Or if when an Earl is Forfeited, will his Lady in either of these Cases retain the Precedency she formerly enjoyed during her Husbands life?*

To which it is answered, That as to the first it was exprestly decided in *England*, in the case of

the Earl of *Notingham*, that he upon the surrender of the Admirals Office, being by King *James* allowed the same Precedency that belonged to *John Lord Moubray* his Predecessour, That therefore his Lady should enjoy the same Precedency if she survived him, because this was not a Dignity of Office, but a real Dignity settled in his Person; and generally in all real Dignities such as those of *Dukes, Marquesses, Earles, &c.* the Wives participat the Husbands Honour even after his Death, for it is not the Patent that confers the Honour upon her, for else she could not enjoy the same except she were therein mentioned, but her right flows from the Common-Law which illustrates the Wife with the Husbands Dignity, because Marriage is *individua vitæ consuetudo*; And in the Law, the Husband and Wife are one Person, and for the same reason we see likewise that the Wives of Knight-Bachelours, and Knights of the Bath, enjoy the same Precedency that was due to their Husbands, though they enjoyed the same for Life: And whereas it may be objected that the Husband having the Honour but for Life, it cannot be continued longer then for the time limited, or to be transferred to the Wife after the death of her Husband. It is answered by the same rule and proportion no Wife whatsoever should enjoy the Title of her Husbands Honour after his deceas, but then all the Honour and Place should surcease, for she challenges nothing but from her Husband: The Honour for perpetuity to the Heirs, concerns onely the Descendants and they are thereby Enobled; But to her a State for Life, and a State to the Heirs is all one. I find also that Sir *William Heron* having married the Daughter and Heir of the Lord *Saye*, and so being in her right a Baron, and by reason of that Marriage summoned to the Parliament as a Peer of the Realm, having survived his Wife, albeit he had no Issue by her, he notwithstanding enjoyed that Title and Dignity during his Life.

To the second branch of this Question it is answered, The Wife of a Person forfeited, enjoys the same Title and Dignity that was due to her before the forfeiture; for though it may seem that the Dignity of the Father is extinguished, and consequently she cannot enjoy it; Yet the Crime punishes onely the Person, and corrupts onely the Blood *quo-ad* the Descendants, but not *quo-ad* the Wife: And though the Honour be extinguished, yet being extinguished upon a personal Account, the Punishment ought not to reach further then the Crime.

### Q U E S T I O N XLII.

*Whether amongst those of the Royal Line, does the next to the Royal Stock preceed? Or does the Precedency belong to the eldest of that Branch?*

THE reason of this doubt is, Because as in other Nobility the first who is dignified has still the Precedency, as being farthest removed from the



the Dreggs and Lees of the Vulgar ; So amongst those who are descended of Kings, the last is still preferred as being nearer to the Common-Stock, by which all are Enobled : And therefore the Uncle, it seems, should precede his Nephew by the elder Brother, as being a Degree nearer to the Stock, as was alleadged by the Cardinal of Bourbon, Uncle to Henry the Fourth : But yet it was justly decided for Henry the Fourth, because though the younger Branch be still preferred, yet amongst these of the same Branch the eldest is still preferable, for by the right of Representation he Represented his Father, which Father would have been preferred, and here again the right of Birth-right still returns : And this holds not only in France, as Tillet observes, but with us in Britain, and generally in all Law, *Exod. 6. and 1 Chron. 4. vid. Dec. Consil. 445.* albeit of old in Scotland the Uncles did oftentimes usurp upon this account, *L'oiseau chap. 7.* And to this day the eldest Cadets in private Families do still take place with us, from the last descended beyond the Brothers of the Family, and those old Cadets take place of the Nephews, which is an Errour.

### Q U E S T I O N XLIII.

*Whether and when is the right or left Hand the chief Mark of Precedency ? And whether is the Place opposite to the Seat of the chief Person who sits betwixt the two preferable to either right or left Hand ?*

To this it is answered, That amongst both the *Jews, Greeks, and Romans*, where three were either sitting or walking, the middle-place was thought the chief place ; but where two were without a third, the right Hand was concluded the more Noble amongst the *Jews* : And thus the Scripture tells us, *That such as are to be saved shall sit at the right hand of GOD* ; And yet in *Jacobs Blessing Ephraim and Manasseh*, the left Hand was preferred, *Genes. 48. vid. Panzirol. lib. 1. pag. 501.* But amongst the *Romans* it was doubted which of the two was preferable, *Demosthenus Antiq; Roman. pag. 866.* And yet it is certain that amongst the *Turks* the left side is accounted the more Noble, because he commands his Neighbours Sword : And though these be the chief Seats, yet he who is set opposite to him who sits in the middle, is thereby preferred to him who either sits upon the right or left Hand, since in effect he is made the Correspondent of the chief Person, as *Golstadius* defends by many Instances, *pag. 433.*

### Q U E S T I O N XLIV.

*Whether in Improbations raised to secure Precedency, can Certifications be granted, aswell, against Patents of Honour as against other Writes ?*

THIS Question having occurred in a Debate January 1672. betwixt the Earl of Sutherland

and the Earl of Errol, It was urged that in Declarations of Precedency, and Improbations raised for securing thereof, no Certification could be granted, because 1<sup>o</sup>. Such Certifications were only granted where the Right and Title to be improved was constitute by Write : But so it is, that the Dignity and Honour of *Dukes, Marqueses, Earles, &c.* was not only established by Patents, or Infeftments, but might be acquired by bringing them in to Parliament in their Robes, and such other formes of Creation, as have been practised both amongst us and other Nations, against which no Certification could operate. 2<sup>o</sup>. Certifications are only allowed where the Pursuer of the Improbation has a direct Title to that whereof the Right is to be improved, exclusive of all others : But so it is that the Earl of Sutherland, nor no other has an expresse, and explicate Right to be the first Earl of Scotland, and any right he has to the Precedency ; arises only consequentially. 3<sup>o</sup>. Improbations being only a Remedy introduced by our Law and the native designe thereof being to secure real Rights, and private Estates : It ought to be extended to no such Case, as that of Dignities and Honours, to which it has never been applyed, during these many Years that Improbations have been used here, and to which certainly our Predecessours would have applyed them, if the nature of the Action would have allowed it.

To which it was answered, That Certifications being introduced amongst us, to secure the Pursuer against any Events in the Defenders Hand, which might prejudice the Pursuers right, they ought to be extended to Honours established by Patent, or Infeftment, these being Rights that are transmitted by Write, and this being the nature of those Certifications, they ought to take place every where except where expresse Law or Decisions have restricted them. And therefore, since there is no Law nor Decision, Declaring that Certifications shall not be granted against Patents, or Infeftments which transmit Honour : They ought to be granted against these, aswell as against other rights. Nor is it craved, that these Certifications should run against Honours transmitted *via facti*, such as *Robing*, and *Belting*, and though the Pursuer be not designed by his Infeftments the first Earl, yet that cannot hinder him from removing by this Certification, all Writes, or Evidents, which may hinder him to be the first ; Upon which Debate, the Lords refused to grant Certification against such Patents, or Infeftments.

*Courses taken by Princes and Judges, when they intend to shun the decyding of Controversies concerning Precedency, and to preserve the Rights of all the Competitors.*

First, They ordain the Competitors to precede one another by turns, and alternatively : And thus the Emperour Lewis the Fourth did in *anno 1328.* decide betwixt the Prince Palatine, and



the Duke of *Bavaria*, and so the Parliament of *Paris* decided in *Anno* 1616; but lest the first turn should give the Precedency that uses to be decided by lot. And I find this alternation very old, for the *Trojans* did so decide betwixt the Brother-Kings, *Ætæocles* and *Polix*; and *Plutarch* observes the same betwixt *Thyestes* and *Atreus*.

*Secondly*, They use to assigne one of the Competitors a place out of all Rank; as was done to the *Spanish* Ambassadour in the Council of *Trent*, and is frequently done in Our Parliaments; But though this preserves the Right, it insinuates a Ceding: And therefore the juster way is to place both so without the Benches, as that neither of their Seats can shew any Preference, as was done at the Council of *Trent* betwixt the Emperours Ambassadour and the Cardinal of *Trent*.

*Thirdly*, They use to cause them to enter by several Doors, as was observed betwixt the Queen of *France*, and *Margaret* Sister to *Charles* the Fifth, as *Guicciardin* observes.

*Fourthly*, They use round Tables, or to write the Names of the Pretenders in a Circle, an Example whereof we have in *Garius*, lib. 1. *Institut.* and Pope *Urbane* having desired the *Franciscans* to give him three of their Number, out of which he might chuse one to be Cardinal, they wrote down their three Names circular-ways; but in this case, the Names should be written down exactly in the middle of the Table or Paper; for else as *Crantzius* observes, he whose Name is next to the top of the Paper has thereby some Precedency.

*Fifthly*, The eldest of the Competitors is still ordained to proceed: Of which *Livius* gives an Instance, lib. 42. and King *James* the Sixth decided so between several Families in *Scotland*, and particularly between the Laids of *Blair* and *Balzhook*.

*Sixthly*, Sometimes he who was first promoted to a Benefice or Office is preferred, where the difference is betwixt the Offices or Benefices; and

thus it was decided betwixt the Sees of *Rheims* and *Treves*.

*Seventhly*, Sometimes also the Competitors are preferred according as they produce their Commissions, as was done in the Council of *Trent* betwixt the Ambassadors of *Portugal* and *Hungary*; and the *Polonians* do frequently in Competitions between Ambassadors, prefer him who first enters their Territories, *Bodin. de Reipub. lib. 1. cap. 9.*

*Eighthly*, Sometimes also the Competitors are ordained to give their suffrage and proceed according to the respect due to the Nations, and not to the Persons: As was decided in the Council of *Constans* and *Basil*.

*Ninthly*, It is observed that *Octavius Farnesius* Prince of *Parma* and *Placentia*, to shun the difference of Precedency betwixt his two Towns of *Parma* and *Placentia*, did write himself Duke of P. P. And King *James* the Sixth to shun any debate that could have been between *Scotland* and *England*, assumed the Title of *King of Great Britain*.

*Tenthly*, Some use to secure themselves against such Contests by Protestations, which certainly do interrupt prescription, and preserve the Protesters right, *L. 14. § 3. ff. de Relig.* but in that case the protestation must be presently interposed, for protestations after the deeds contraverted are ended and past, are concluded to be of no value, *Carpzol. def. 22.* for protestations cannot be drawn back: But it has been doubted whether the Person against whom the protestation is taken, does prejudice himself, when he does not protest in the contrar, for this seems to infer an acquiescence that the protestation is just, since *qui tacet consentire videtur*, and this is the occasion, why in our Judicatures when one protests, the other ordinarily protests in the contrare: But yet it is generally concluded that Silence in that case does not prejudice him against whom the protestation is taken, since he knows that in Law the protestation secures his right, *Tusc. tom. 6. Conclus. 941.*







*Analogia Honorum :*

O R, A

T R E A T I S E

O F

Honour and Nobility,

According to the

L A W S and C U S T O M S of *E N G L A N D*.

Collected out of the most Authentick A U T H O R S, both Ancient  
and Modern.

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In Two Parts.

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T H E F I R S T

Containing Honour Military, and relateth to War.

T H E S E C O N D

Honour Civil, and relateth to Court and City.

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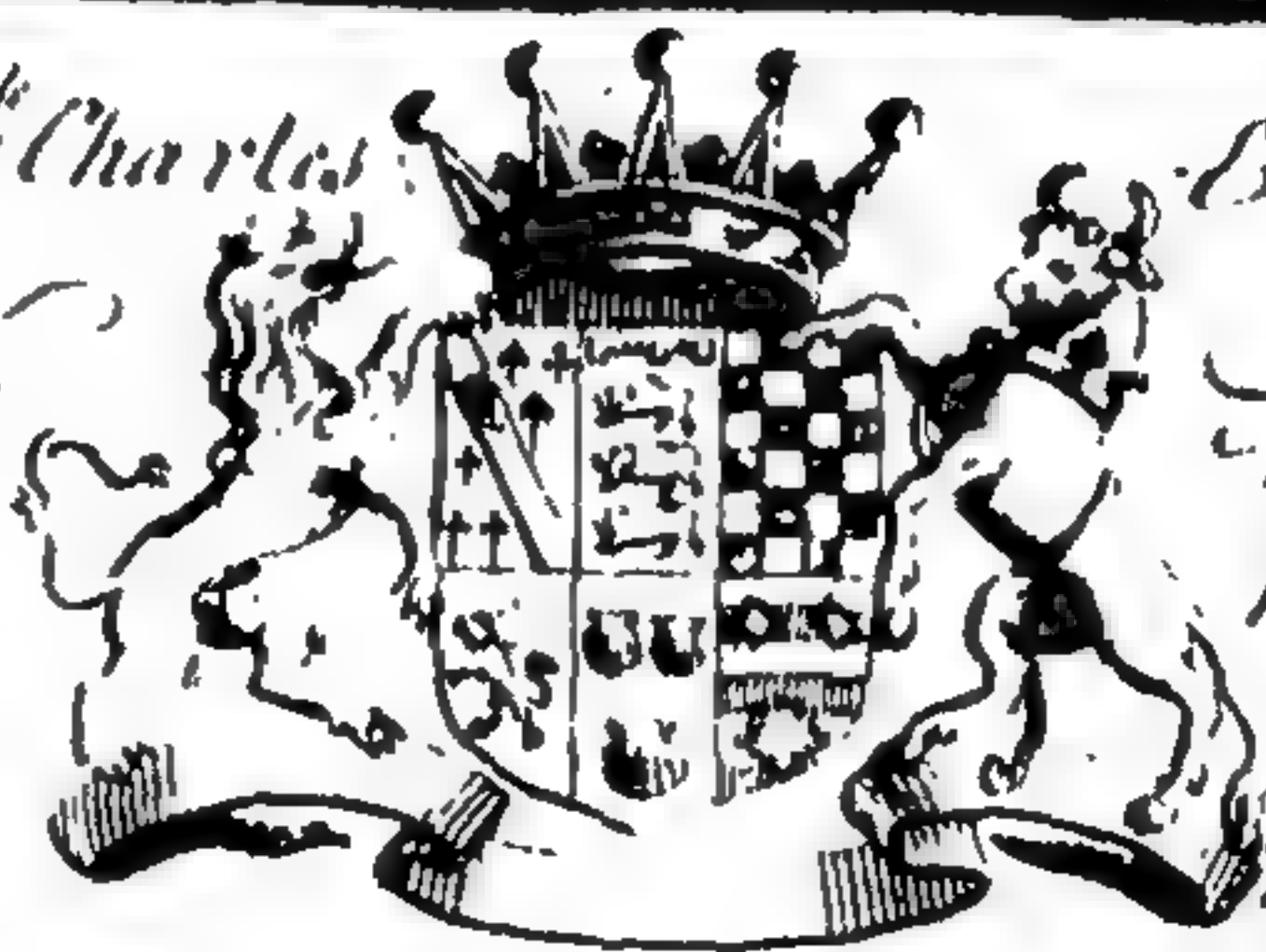
Illustrated with variety of S C U L P T U R E S futable to the  
several S U B J E C T S.







The Effigies of *th* Right Hon<sup>ble</sup> Charles  
Mompeth Baron Dacres of  
Cumberland & Westmoreland  
Northumberland Cumberland  
Durham the Town & County  
there adjacent & one of his



Barle of CARLIST. E. Treasurer  
Gillfland, Lord Lieutenant of  
Vice. Admirall of *th* Counties of  
Westmoreland & Bishoprick of  
of Newcastle & Marston Parts  
His most Hon<sup>ble</sup> privy Council





His Highness of the most High, most Mighty, most Excellent Prince,  
 George, by the Grace of God, King of Great Britain, France  
 Ireland, Defender of the Faith, &c. Duke of Brunswick and  
 Lunenburg, Arch-Treasurer, & Elector of the Holy Roman Empire,  
 and Sovereign of the most Noble Order of the Garter.





T H E  
F I R S T P A R T;  
O R  
Honour Military.

C H A P. I.



**A**L L Honours may not improperly be said to receive their Birth either from the City, Court, or Camp, which of all is esteemed the most worthy and honourable, raising some to Imperial and Princely Dignities, and dethroning others : And in all Kingdoms (even amongst the barbarous *Americans*) War hath ever been, and yet is, held in high Esteem and of great Importance ; as well for the preservation of their Laws and Rights, as for the defence of their Dominions ; for which War is permitted by the Laws of God, is taught by the Laws of Nature, and commanded by the Laws of Nations. And to excite Men to Valour and noble Atchievements, Reward, or Honours is conferred upon such that merits the same, according to their Deserts, for the defence of holy Church, their King, and Country.

War being therefore of such concern, it becometh every prudent Prince, for the welfare of his People, to be always prepared for Peace or War, either Offensive or Defensive, both for Foreign Invasion, or the suppressing Domestick Insurrections ; wherefore it hath been found expedient to joyn good Laws (the Friends of Peace and Rest) unto Arms ; War being always accompanied with Men of audacious and furious Spirits.

*Justinianus*, for the uniting of Laws and Arms, appointed one Officer, called a *Prætor*, to com-

mand both Martiallly and Civilly ; which Name the *Romans* continued for their General of War, and by his Office had Authority both Martial and Civil. By which it appears that War cannot endure without the assistance of Law : And wise Men, in former Ages, did hold that Prudence and Power ought not to be separated ; of which Opinion was *Horace*, saying, *Vis experts consilii mole ruit sua*. Likewise for the same reason, learned Writers were induced to commend valiant Captains and wise Counsellors, as it were joyntly and in one rank ; for with *Simonides* they joyned *Pausanias* ; with *Cæsar*, *Solon* ; and with *Pericles*, *Anaxagoras*.

*Of War, and the Causes thereof.*

**D**ISCORD is common to all Men, and that occasioned either by Revenge for Injuries done, out of Covetousness in gaining that which belongs to others ; for Ambition in gaining Fame by noble Victories, or such like Reasons ; and this maketh one City to wage War against another, one Province to invade another, and whole Kingdoms to oppress one another, even to a Conquest if they can. *Aristotle* proveth that some Men by nature are born to Command, and others to Obey : By which it appears that War is necessary, as well to compel those to Obedience, as others to hold their Authority. The *Romans* did sometimes judge it convenient to make War,



to train up their Youth fit for Service, and to keep them from Idleness, which breedeth Intemperance and Dishonesty. And by Action, Princes that are martially inclined, have not only gained Renown, but also much enlarged their Dominions. Yet I am of the Opinion, That War ought not to be made without just Cause, and when the Enemy cannot be perswaded to Reason by Ambassadors, prudent Princes and Commanders do not wage War unadvisedly; and when they do, they should follow the Example of *Trajanus*, who observed these Cautions; to be careful to supply the places of his slain Soldiers; to repress the Enemies Pride; and according to Military Discipline, constrain Mutiners to Obedience and Order.

#### *Of Soldiers.*

SOLDIERS, or Men professing Arms, according to *Ulpianus*, were called *Milites à malitia, id est duritia*; that is, were so named in respect of the hardness and danger they endure in defence of other People, or because they keep off the Injuries which Enemies do offer. He that desireth to enjoy the Honour belonging to Arms, ought first to prove himself a Soldier: which by the Civil Laws may be done three ways; the first is by Certificate from the Captain or Officers; secondly, he ought to make proof of his Experience and Manhood in Martial Affairs; and thirdly, to be registred in the List of received Soldiers: And none other properly ought to be termed Soldiers.

By ancient Custom, Soldiers always took an Oath not to abandon their Captain or Camp, not to commit Treason, nor consult with one another privately to cause Mutining, and the like. *Martianus* the great Doctor, did reject Bondmen as persons unfit and unworthy to be called Soldiers; and no Person that hath committed any infamous Crime, of which he is convicted, ought afterwards to bear Arms; so honourable is the Name and Dignity of a Soldier.

The persons excused from bearing Arms, are Priests, and all in Holy Orders, all Graduates in Schools, all Men above the Age of 60 Years, and those under the Age of 17 Years.

Those Soldiers that had long served the *Romans*, either in their Legion, or elsewhere, and deported themselves obediently to their Officers, and honestly to all Men, were called *Veterani*, and had great favour shewed them; and that when any *Veteran* had honestly served them the space of twenty Years, he was then called *Emeritus*, and might have his Dismission to end his Days in Peace and Quietness, with the enjoyment of divers Immunities, besides signal marks of Honour according to their Merit; which was a great Encouragement to Youth to be trained up in Military Service, which oft times they made use of, appointing Tutors to instruct them therein, and these they called *Tyrones*.

And as on the one hand the *Romans* rewarded them for good Service, so on the other they inflicted Punishments according to the heinousness of the Offence; as for Treason, Disobedience, abandoning their Colours, and assisting the Enemy; also for Theft, Murder, and Cowardise, which they esteemed most vile. The experience of which was seen when *Spraetacus* defeated the *Romans*, conducted by *Crassus*: For presently upon that dishonour, *Crassus* commanded a Decimation, and put to Death a tenth Man in every Legion, for not having courageously behaved himself; which being done, he began the Fight afresh, and although their Number was lessened, yet were they victorious, and made havock of the Enemy. And if it happened that a Soldier was degraded for any Offence, it was deemed more dishonourable unto him, than a Punishment either Corporal or Pecuniary.

The Donatives or Rewards which the *Romans* used to bestow on deserving Soldiers, were either advance of Honour, increase of Wealth, or both; and that more or less, according to their Deserts: some of which I shall here give account of. To him that had dismounted an Enemy (if a Foot-man) was given a pot of Gold, or a piece of Plate; and if an Horse-man, an ornamental Badge to be set on his Crest. He that first mounted the Wall of an Enemies Town or place of Fortification, had a Crown of Gold. *Octavius Caesar*, after the *Philippian* War, gave unto the Legionary Soldiers certain Crowns, and unto every Captain a purple Garment. *Julius Caesar*, after his Triumph for Victory against *Pharnax*, gave unto every Soldier five thousand Groats, to every Leader twice as many, and to every Horse-man double so much. *Pompeius* having overcome *Mithridates*, before he triumphed, bestowed upon every Soldier five hundred Groats, and upon the Captains a far greater Reward. And *Alexander Severus* did usually say, *That Soldiers would not live in awe of their General, if they were not well clothed, well fed, well armed, and some Money in their Purses.*

Nor was the *Romans* slack in their Rewards unto their Generals; for besides rich Presents, they conferred Honour on them, and received them home with triumphal Arches; and to perpetuate their Fame, they erected Pillars, Statues, or Obylisks, to set forth their noble Victories.

But what need we fetch all these Examples from the *Romans*, when our modern Princes do the same: Witness the high advance to Honour and Riches that our Sovereign, King *Charles* the Second, bestowed on that truly Loyal and much deserving Subject, *George* late Duke of *Albemarle*, whom I shall anon take more occasion to speak of: Nor hath His Majesty's Favour been only shewed on him, but on divers others, as their Merits deserved; some of which I shall also take occasion to speak of in place more convenient.



## Of Ambassadors or Legats.

THE Office of an Ambassador is of so great Honour and Trust, that none are imployed therein, but such as are sufficiently known unto their Prince for Persons of Integrity, Prudence, Knowledge in State Affairs, and such as will be strict Observers of their Masters Commands. The Romans had so high an esteem for Ambassadors, that whensoever any came to Rome, he was first brought unto the Temple of Saturnus, where his Name was written before the *Præfæliarii*, and from thence he was conducted to deliver his Embassy to the Senate. Ambassadors ought to be in all Countries inviolable; and who so offered Violence unto them, was thought to have done contrary to the Law of Nations: which caused *Publius Mutius* to command, That whosoever did assault an Ambassador, should be delivered up to the Enemy from whom the Ambassador was sent; and although the Enemy received him not, yet was he to remain an Exile.

Ambassadors are generally imployed by their Prince for the Confirming or Establishing of Peace, a Truce, or Leagues: To demand Restitution for Things unjustly detained, or Satisfaction for Injuries done: To establish or adjust Commerce, or the like. And they are sent (and so likewise received) in some State and Grandure befitting so high a Dignity.

The Ceremonies, in many Countries, for the Confirming and Establishing of Peace, a Truce, and Leagues have been diversly used.

The *Lacedemonians* confirmed their Treaties with great Sacraments, swearing to observe the same justly, and without Fraud. The *Tartarians* caused some Weapon of War to be brought, and thereupon they took an Oath to observe the same; which done, they drank of the Water wherein the Weapon was washed. The *Grecians* (after the death of *Cyrus* the younger) confirming a Peace with *Arieno*, a Commander of a barbarous sort of People, caused a Bull, a Boar, a Wolf, and a Ram to be slain, and laid upon a Shield, and in the Blood of those Beasts the *Grecians* dipt their Swords, and the *Barbarians* their Launces, each protesting to observe Fidelity and Friendship to each other. And the *Romans* used this Ceremony, that when Peace was made, the *Prætor*, the *Consul*, or *Senate* delivered to the *Fæcial* an Herb called *Verbena*, or Grass pull'd up by the Root, and therewith some Boughs of *Verbena*, together with a Flint taken out of the Temple of *Jupiter Feretrius*; which done, the *Fæcial* caused a Sow to be brought to the Market-place, and holding a Scepter in his Hand, having his Head covered with a Cloath, he crowned himself with a Crown of *Verbena*; then beseeched he *Jupiter*, *Mars*, and the other Gods, that if any of the Parties failed to perform their Agreements, that then he should be stricken and slain like the Sow; after which Imprecations her Body was cut with the Flint, upon which they cast Fire and Water, and so their Sacrifice was solemnized.

## Of War, and the natural Inclinations of the English to it.

IRRATIONAL Animals and Vegetables are not only subject to, and swayed by the Powers and Influences of the Climate under which they live, but likewise the Temperatures and Complexions of Mens Bodies, which also worketh different effects in their Minds and Dispositions: For proof whereof, Experience sheweth that the *Italians* and *French* (as well in former Ages as at present) are more naturally Courtly, and of brisker Spirits than the *Flemmings*: The *Spaniards* and *Lybians* more Agile and Crafty, subject to Choller, Malice, and Pride, than the *Suede*, *Muscovite*, or other Septentrional People remoter from the Sun, who are more inclined to Valour and Animosity, and the Nations proximate to the Sun have their Blood seccicated, which causeth Melancholiness, and are noted for the searching into the Secrets of Nature. The *Greeks* are inclined to Anger, but noted to have been exquisite Mechanicks. The *Egyptians* and *Jews* are addicted to Superstition and Idollatry. The *Turks* and *Tartars* to Cruelty: Yea, the careless *Americans* to Lust and Idleness, representing the Golden Age in their modern Lives, who are, according as *Ovid* fancies, the ancient World.

*Contentique cibus nullo cogente creatus,  
Arbutus fetus, montanaque fraga legebant.  
Cornaque, & in duris berentia mora rubetis  
Etque deciderant patula Jovis arbore glandes.*

*Content with Natures vain forc'd food  
They gather Wildings, Strawberries of the Wood,  
Sower Curnels, what upon the Bramble grows,  
And Acorns which Joves spreading Oak bestows.*

To draw home to *Britain*, a Microcosme of it self, situate under a temperate Clime, Fertile to the envy of many of her Neighbours, and blessed with all that is necessary for Human Life, producing Men endowed with all the Vertues that other People dispersed over the Face of the Universe can boast of, and principally with Hearts that condemn Death it self, which to other Nations is so dreadful, having an affection to Arms, and are covetous of Fame, Sovereignty, and Honour above other Men.

But it may be objected, How then comes it to pass that we are confined within the narrow Bounds of our *British Seas*? Secondly, Wherefore have we quitted our Claim to *France*, or suffered it to lye dormant so many Ages?

To the First may be answer'd, That it was the Piety of our Princes to content their selves within their own Limits, and were unwilling to be troublesome to other Princes, until our *Henry* the Second was supplicated by the *Irish* to commiserate their Calamities, and deliver them out of their intestine Broyles, into which their irreconcilable Divisions and unchristian-like Fews had plunged them. Thus by Composition, rather than



than Conquest, was our Sovereignty confirmed in *Ireland*, and the Charter signed by the *Irish* Princes and the Commonalty, which being transmitted to *Rome*, was confirmed by Pope *Adrian* about the Year 1174.

For *France* it may also be answered; That we were constrained to vindicate a just Title to that Crown by force of Arms, when Arguments and fair Means would not prevail: And for the loss of it, 'tis apparent in all Histories, that our Discords at Home, not the Courage or Force of *France*, forced us to quit the same, gaining with few Blows what otherwise they would not so much as have attempted. Add hereunto the Covetousness and Envy of some of our Natives, who being themselves out of Command, will yield any terms to a foreign Enemy, rather than maintain an Army in Pay for their Security; by which facile Concessions and Peace thus purchased, we discourage our Soldiery, suffer them to lose their Discipline, and to degenerate by Sloath and Idleness; (a Depravity which cost the *Romans* very dear at the beginning of their second *Carthaginian* War) being almost ruined before they could recover their former practice of Arms, but for us *meliora spero*.

War being in divers Cases just upon the Offensive part, and absolutely necessary on the Defensive, 'tis fit we consider the proper Definition thereof. It is generally said, to be the Exercise of Arms against an Enemy, but more properly 'tis a Contention between Princes or States, by force of Men under Discipline to obtain Victory: And the end of War is either to obtain Victory, or to live in Peace and Honour.

The Division of War (for so much as concerns *England*) may be of two Sorts or Kinds; *viz.* Terrene and Naval, in open Field, or upon the Seas. The Art and Exercise of both are absolutely necessary, it being impossible for us to secure our Shoars, if we are not Masters of the Seas; nor were we ever victorious in our Transmarine Attempts, before our Enemies Naval Forces were conquered, as appears by the Histories of *Edward* the Third, *Henry* the Fifth, &c. Thus are our Oaken Castles our securest Bulwarks to defend us from our Enemies; nor can we offend them abroad without these floating Squadrons; how needful then is the excellent Employ of Navigation to our Nation, and how glorious, or rather terrible might we be to the Universe, if we did more encourage it, by maintaining a Royal Navy, and having an Army ready upon any occasion; be it either by standing Troops, or a reformed and well disciplined Militia, which is held more grateful to the People in general.

*Philip de Comines* tells us of his own knowledge, That the *English*, at their first Arrival in *France*, were very raw, and ill disciplined Soldiers; but within the space of two or three Weeks, which they spent in moderate Exercise, before the *French* could rally up a Force to engage them, they grew expert in their Weapons, and became fit for the Field-Service: from whence he con-

cludes, That the *English*, of all People in the World, are the most prone to War, and aptest to make good Soldiers. Our late Actions at Home and Abroad justify our legitimate Succession from such valiant Ancestors; nor is there any thing so much wanting amongst us, as Encouragement to the truly generous Martial Spirits. *Charles* the Fifth, advises his Son to preserve his old Soldiers from Sloath by constant Exercise, and to train up the Youth of *Spain* under Leaders who had Lands, Goods, and Relations, to secure their Loyalty to the Crown, if they were naturally addicted to Arms; because sense of Honour, or shame of Punishment, with the loss of Estate, must necessarily prevail more with such, than can be expected from others who carry all their Interest in their Persons, and have nothing to care for but their own Safety. Also the Privilege of wearing a Martial Robe; the Priority of place in some publick Assemblies, or the like, would much encourage Youth to Martial Discipline. Nor is this only a *Spanish* Device, but 'twas the practice of the *Romans*, who had their several Triumphs for their Victorious Generals, and also particular Rewards for their private Soldiers. He who had first boarded an Enemies Ship, entred their Camp or Garrison, slain one of their Captains in Combat, taken a Standard, &c. was rewarded with a Silver Crown of form denoting his Exploit, with a Collar of Gold, or the like, the wearing of which in their Theatres was prized equal to the possession of a Seignory without such an Honour. We read of a young Man in *Scipio's* Army, who had done gallant Exploits in a Battel under him, so that he deserved such a Reward as aforesaid; *Scipio* judging of his Mind, gave him a good Sum of Money, exhorting him to persevere in his Valour: but he with a sad Countenance laid down the Gold at *Scipio's* Feet, demanding of him the Honourable Ensign of Victory in lieu of the Gold, preferring Glory before Gain, for which noble Act he was not only commended, but advanced by the General, as most fit for Honour and Office, having a Spirit free from the sordid Vice of Covetousness, which blasts the Fame of many a valiant Captain, and ruins many a brave Army. It were to be wished that such *Roman* Spirits were now to be found amongst us, and then 'tis probable the War might have proved more Successful: but now adays such true Valour gives place to Interest, and to an Officer of Fortune, the dread of being disbanded makes a Victory more fatal to him than a Foil; for who will beat his Enemy, that must feel a want when he has none to appear against? What then more serviceable than a well-disciplined Militia to be employed upon all Occasions, at Sea and Land? For the Officers (as Men of Estates) would be glad to win Honour with hazard of their Lives; and if they should return with the loss of a Limb, would not put the King to the Charge of a Pension: And for the Soldiers, when dismist, may immediately fall to their Trade, or to Husbandry, pleasing themselves to tell their Neigh-



Neighbours the Story of their Adventures Thus the large Armies of Horse, which support the *Turkish* Empire, are maintained. Thus is *Poland* preserved from the Power of the *Turk*: and by this very way were our Kings antiently guarded, their Castles defended, their Forces for Conquest, as well as Defence, mustered up (*viz.* by Knights-Service) as our Histories and Law Books sufficiently demonstrate.

### Of Captains General, Marshals, and other Chief Commanders.

**A**N Army may be provided, a Navy rigged, manned, and equipped, but the chief and most difficult Task is to find a *Generalissimo* worthy of Command one upon whose Conduct the Hope of the War depends; I mean not in the Force of his Person, but in his Knowledge in Military Affairs, in his Magnanimity, which comprehends the four Cardinal Virtues, *viz.* Prudence, Justice, Temperance, and Fortitude; in his Authority, and in his Disposition to engage the Affections of his Soldiers, without which they will hardly be brought to do him Honour, nor their King and Country good Service, as might be demonstrated by several Examples, were it convenient.

It behoveth a General, not only to Conduct his Army, but carefully to provide for them Provisions as well as Ammunition, and to shew himself prudent, patient, cautious, and liberal unto them, endeavouring to gain by Love what he might command from them by Power. And this made *Homer* to call *Agamemnon* a *Pastor of People*, because he carefully looked after the Safety of his Army. *Theodosius* the Emperor did not command the meanest of his Soldiers to do any thing, but that he himself would sometimes do. And *Antonius* did sometimes march on foot, and carry in his Hand the general Ensign of the Army, which was very ponderous, to shew that his Soldiers should not refuse to undergo any Labour that should be required from them.

Amongst the many good Properties required in a General, nothing is more commendable than Liberality; and on the contrary, Covetousness as much detestible: for hard it is to attend the Affairs of War, and be overmuch in love with Money. Yet that Commander, who with Honour and good Conscience can attain to Wealth, is not to be disliked; for thereby he may upon an emergent Occasion supply the Wants of a necessitated Army. And that General is most to be esteemed, who (as a Soldier) knoweth how to offend his Enemy, to govern his own Forces, patiently to suffer Want, and to endure Labour, Heat, and Cold: For sometimes it is found, that he who hath Authority to command, wanteth another to command him, for want of true Knowledge of those things that

belong unto his Office; for it is more difficult for a General or Commander to know what belongeth unto him, than to execute the Office of that Place, seeing that Skill must precede Action, and Use go before Commandment.

It is expedient for all Princes and Commanders to be well read in Histories, and principally those that concern the Actions of their Ancestors. And this (as some believe) caused King *Edward* the Third (when he made War against *Robert* the Second, King of *Scots*) to order a certain Monk to attend him in that Expedition, to write down all the Actions of that Enterprize. *Mahomet* the Second, Emperor of the *Turks*, endeavoured much to know the Histories of his Predecessors, and gave liberally unto one *John Maria* of *Vinzenza*, to write the Victories he obtained against *Ussincassan*, King of *Persia*. Much more Praise and Honour is due unto those Commanders, that by long Service, and due degrees of War, have deserved the Titles appertaining unto Arms, and bear about them the Scars and Marks of true Valour.

A General of Horse (according to *Plato*) ought to be made by the Consent of the whole Army. The *Præfetti*, or great Commanders, were elected by those Soldiers that bare Targets: The *Tribuni Militum* had their Advancement by the Voice of Men at Arms; and other Captains or Commanders of a lower Quality were chosen by the Chief General. And that Person that in Service was most painful, in Actions most industrious, in Perils most resolute, in Counsel most provident, and in Execution most quick, was by the Chieftains elected for their Emperor.

*Leo* the Emperor, in his Book entituled, *The Preparation for War*, speaking of the Election of a General, saith, *That to know the Generosity of a Horse, or a Dog, we have regard to his proper Operations, rather than to the Dam or Sire which begot him; even so the Nobleness of a Man ought to be considered by his proper Valour and Virtue, and not by the Blood of those that brought him into the World, neither of the Glory of his Ancestors, which oft-times degenerates.* I confess, to aim more at the Nobleness of the Blood, than at the necessary Virtues of the Person chosen, is a dangerous Error in Time of Action, and proved fatal to *Phocas* the Emperor, when he sent his Nephew *Manicel* against the *Sarazens*, being a young Man of no Experience, yet stubborn in his Resolves; who, contrary to the Vote of his Council of War, followed his Enemy, till he was drawn by them into certain Streights, and hemmed in, and the most part of his Army slain. *Fazell, lib. 6. Dec. 2. Hist. Sicili.*

A Charge of so grand an Import, ought therefore to be bestowed upon a worthy Person, whose Virtues have been tried in Times of Trouble, one (if to be found) whose Conduct hath been crowned with Success. The Commander, whose Helmet hath been usually canopied with



the Plumes of Victory, will not quickly be forsaken of his Soldiers in the uttermost Extremity; they still expecting the same Fortune should attend him, as *Julius Caesar* oftentimes experienced: nor is it an easy Task to engage an Enemy against him upon equal Terms.

An experienced, liberal, and tender affectionate General to his Soldiers, is then the Man: and the more Illustrious by Birth, the better; Equality causing Emulation, which some convert to Envy, and that oftentimes ends in inveterate Malice.

Never have we been more fortunate than in our Royal Armies when we have had a King, or an Heir Apparent to the Crown, the Head thereof; witness our Victories in *Palestine* and *Cyprus*, under King *Richard*; our many victorious *Henries* and *Edwards*; the Battels of *Cressy*, *Poitiers*, and *Agincourt*; our grand Victory at Sea in the *Dutch War*, under the Conduct of his Royal Highness *James Duke of York*. Nor are we at present destitute of Captains of the Blood Royal, which are endowed with all Virtues and Princely Qualities requisite for so great Employ: Let me but mention his Royal Highness the Duke of York, and all Christendom will second me, to his eternal Fame, that neither *Alexander*, *Caesar*, nor any other old Captains shewed greater Courage or Skill, passed through greater Perils by Land or Sea, than he hath done; nor is there any Person in *Europe*, that can justly dispute for Glory with him, or whose Life hath been so illustrious. Let us but consider, how that at Twenty Years of Age he had traced most Part of Christendom to encounter glorious Actions; that since, he has been engaged in all sorts of Combats, wherein he hath been Conqueror: That he hath appeared magnanimous in Campaigns, Leguers, Battels, and Sieges by Land; in the most furious and dreadful Sea Fights, in which he hath given Life to some Enemies, and taken it from others: His escaping such Hazards, and passing by domestick Broils with a Princely Scorn, would half persuade a credulous Person, that he had evaded the Time of dying, and that for the World's general Good it were decreed, he should endure as long as the Sun and Moon, to support the Grandeur of the *British* Monarchy, in the Person of his Sacred Majesty King *Charles* the Second, and his lawful Successors.

Next to his Royal Highness, we may justly commemorate his Highness Prince *Rupert*, Duke of *Bavaria*, Count Palatine of the *Rhine*, Duke of *Cumberland*, Earl of *Holderness*, &c. who from his Birth was designed for Warlike Achievements: for the Calamities that followed that Illustrious Family from *Bohemia* to the *Palatinate*, forced the Queen and this Infant Prince into the *Low Countries*, where he passed his tender Age in the practising the Knowledge of Military Affairs; insomuch, that at about the Age of Thirteen Years he marched under the

Command of the Prince of *Orange* to the Siege of *Rhineberg*, and proved so good a Proficient in that rough Study, that at the Age of Eighteen he was thought fit to command a Regiment of Horse in *Germany*. In the Battel of *Lemgow*, 1638. being taken by the Imperialists, under the Command of Count *Hatzfeld*, he remained a Prisoner above three Years, till by the Mediation of his Uncle, the King of *Great Britain*, he was set at Liberty: And in Requit of which Kindness, hearing that *England* was in an Uproar, he posted hither, and tendered his Service to his Uncle, who in *Anno* 1642. graciously received him; and at a Chapter held at *York*, was made Knight of the most Noble Order of the Garter. 'Twas then a Time of Action, and each Party endeavoured to gain a Reputation by their Valour at the opening of the War; in which his Highness had the Fortune to rout a Party of the Rebels Horse near *Worcester*, commanded by one Colonel *Sands*. The Prince being made General of his Majesty's Cavalry, he had Field-room enough to exercise his Courage, and shew his Conduct. Divers Encounters, and some pitched Fields, are fought with various Success, viz. at *Edgill*, the taking of *Cirencester*, the raising of the Siege of *Newark*, *Litchfield*, and *Latbam-House*, the taking of *Bristol*, and those bloody Battels at *Newberry* and *Marston-Moor*, in all which he was a principal Actor, and in some the chief Commander. And as an Acknowledgment of his Majesty's Favours for these his many Hazards and good Services done, he was created Duke of *Cumberland*; and in *Anno* 1644. was made Generalissimo of his Majesty's Forces in the room of General *Rutben*: He marcheth from *Oxford* with the King Northwards. In *May* 1645. takes *Leicester* by Storm; but hearing that *Fairfax* and *Cromwell* had beleaguered *Oxford*, he returns, diverts their Design, and fights the fatal Battel of *Naseby* against them: Is afterwards besieged in *Bristol* by *Fairfax*, which he surrenders upon Articles; and thence marcheth to *Oxford*, where he continued, till the King despairing of any Relief, quitted the Garrison, and went into *Scotland*. *Oxford* being delivered up, the Prince takes the Benefit of the Articles of Surrender to transport himself into *France*: Was afterwards Admiral of such Ships as left the Rebels to pay their Duty to their Sovereign Prince, in which he ran many Hazards, and escaped the Perils of the Seas; but his Brother, Prince *Maurice*, perished in a Hurricane. At last he returns to *Paris* to the King, and from thence goes into *Germany*, where he remained till his Majesty's most happy Restoration, by whom he was affectionately invited and welcomed into *England* in *Anno* 1662. and made a Privy Councillor. In the Year 1666. was joined Admiral with the Duke of *Albemarle* against the *Dutch* Fleet, and rescued him from the Danger that he and his Squadron were in, being assaulted by the whole *Dutch* Fleet,



Fleet, when ours was unhappily divided ; but the Prince's seasonable Assistance secured our Honour, and put the Enemy to a shameful Flight. In the Year 1673. he went Admiral to Sea against the *Dutch*. These his Actions are remunerated by a Pension of Four Thousand Pounds *per Annum*, and the Wardenship of *Windsor* Castle. Thus you see the Life of a Hero to be like a Voyage at Sea, composed of Calms and Tempests, which unexpectedly succeed each other.

*Thus in a Victor's Garland oft we see  
Laurels with Cypress intermixed be.*

But I could lose myself in the Admiration of these Objects, were I not again surprized by the late generous and noble Exploits of the heroick Prince, *James Duke of Monmouth*, whose brave Spirit disdaining to be confined to the Ease of a Court Life, contemning the soft Pleasures of Peace, seeks out Dangers abroad, makes *Bellona* his Mistress, defies Death in his Ascent to Honour, and thus immortalizes his Name throughout Christendom by his Valour and Conduct at *Maestricht*, in *Anno* 1673. To affect Glory in Youth, is becoming a Royal Birth ; and to begin with Victory, is a happy Omen of future Success. In a long progress of Time a Coward may become a Conqueror : Some others from mean Adventures, passing through gross Errors, grow to Experience, and in Time perform great Exploits : But as there are few Rivers navigable from their first Fountain ; so are such Men doubtless very rare and singular, who have not any need either of Growth or Years, nor are subject either to the Order of Times, or Rules of Nature. Proceed, brave Prince, in the Path you have so fairly traced out, and let the World see your renowned Valour.

Of a lower Orb, we may justly boast of our English *Fabius*, General *Monk*, who so wisely wearied out *Lambert* by his Delays, and cajoled the rebellious Rump Parliament. He was a Person of great Valour, Experience and

Prudence, whose Loyalty and Conduct hath given him a never dying Fame to be celebrated by the Pens and Tongues of all good Subjects, whilst the Name of *Britain* lasteth. His Exploits were truly great, his Success in his Conduct renowned with too many Victories to be here inserted : Let it suffice to say, he was bred a Soldier, and after the many Risques of Fortune, got the Art to manage that fickle Lady so well, that he triumphed over his Foes both in War and Peace, acted the Part of a good Politician, the trusty old *Cushai*, confounding the Counsel of *Achitophel*, to preserve his Royal Master, and was the blessed Instrument of his Majesty's most happy Restauration to his Crown and Dignity, and the Kingdom to its pristine Laws and Liberties ; securing to himself and Posterity that well purchased Title of the most High, Potent, and Noble Prince, *George*, Duke of *Albemarle*, Earl of *Torrington*, Baron *Monk* of *Potheridge*, *Beauchamp*, and *Teys* ; besides which Hereditary Titles, he was Knight of the Noble Order of the Garter, one of his Majesty's most Honourable Privy Council, and Captain General of all his Majesty's Forces during Life ; an Honour and Office scarce ever before intrusted in the Hands of a Subject in Times of Peace. He lived the Darling of his Country, dearly beloved of his Majesty, and all the Royal Stem, and dreadful to our foreign and home-bred Foes ; but laden with Love, Honour, and Years, he yielded up his Life to the Hands of him that gave it, and departed in Peace the Third Day of *January*, *Anno Dom.* 1672. lamented by all good Subjects.

— *Post funera Virtus.*

We have many more that by Experience and Conquest are very well known to be eminent Warriors, whose Noble Acts were enough to fill large Volumes, and whose worthy Achievements will be recorded in the Histories of that Age for an Encouragement to Posterity, the Effigies of some of which I have here lively presented to your View.

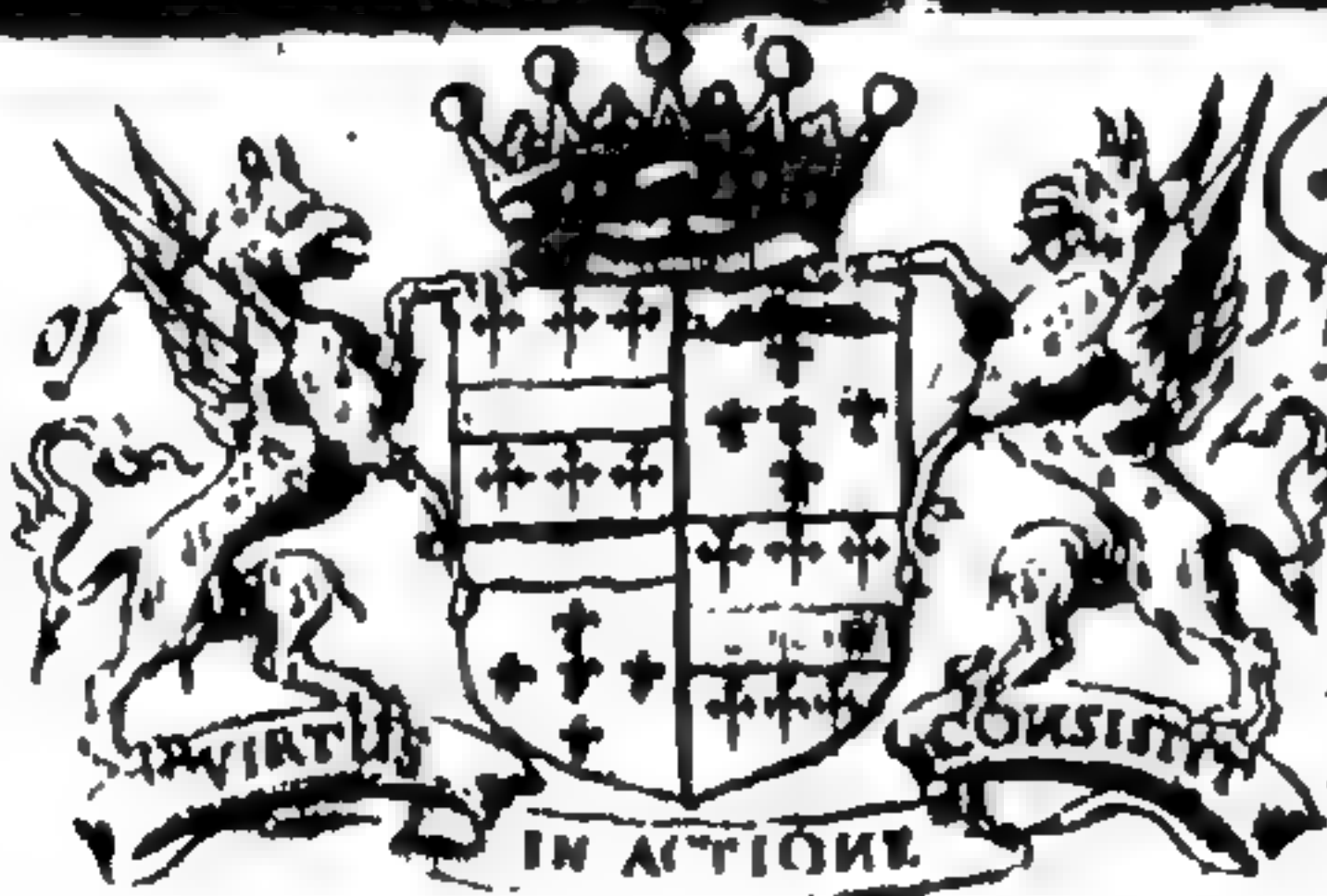


THE





The Effiges of the Right  
Craven, Viscount Craven of  
Hampsted-Marshall, Lord  
of Middlesex, and Borough of  
Lords of his Majestys most



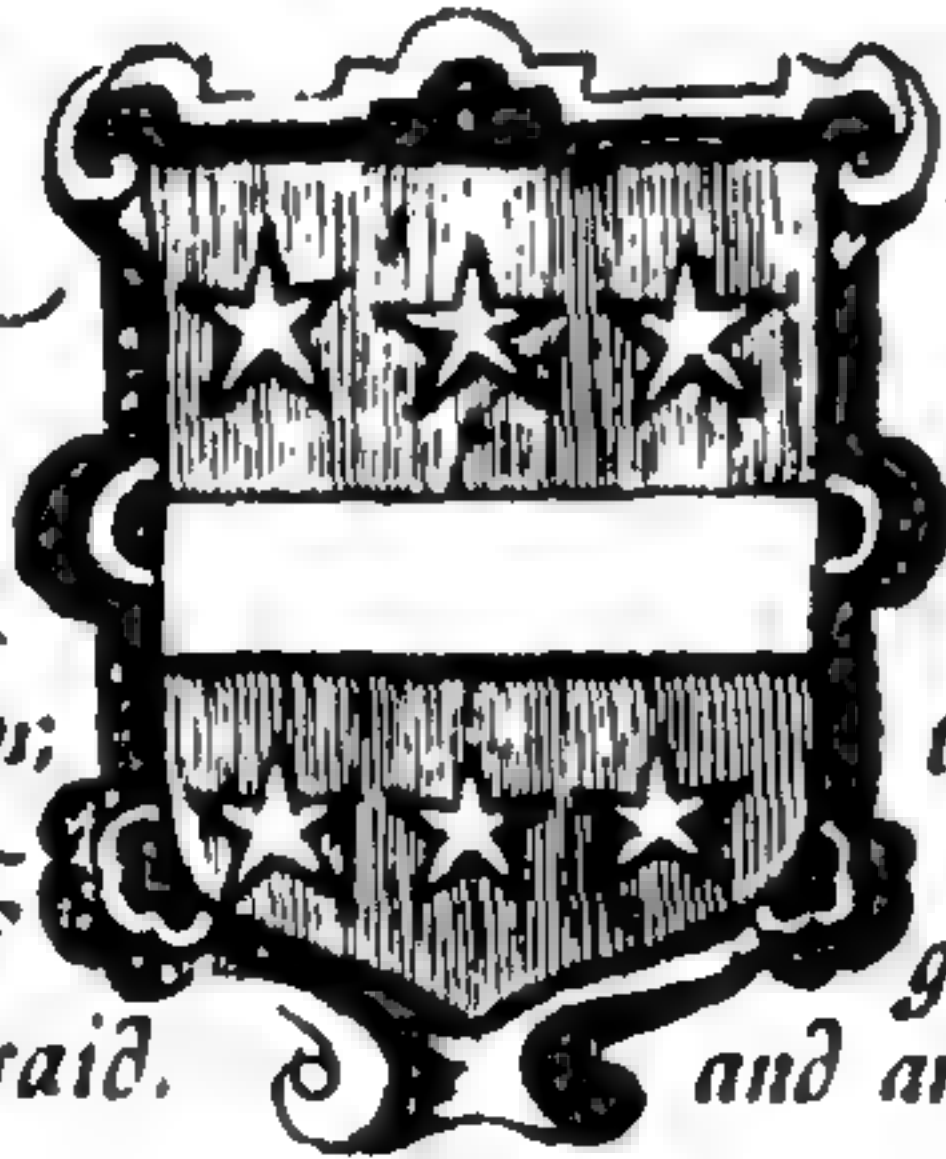
Hon<sup>ble</sup> William Earle of  
Wilmington, Baron Craven of  
Lieutenant of the County  
Southwarke, and one of the  
Hon<sup>ble</sup> privy Councell &c.c.





Edw. Le Davis sculp

This Portraiture is in memory of Bertram who in the tyme of King Harold was of Dover and Sheriff of the said County. at the Landing of William the Conqueror, King him a Letter to raise all the force under when the King came vp to oppose y<sup>e</sup> Conqueror; Comand in the Battle) received soe many And since which tyme (through the mercy of ever since continued at Ashburnham aforesaid.



Ashburnham of Ashburnham in Sussex, Warden of the Cinqueports, Constable and being a person in soe great power Harold (who was then in the North) sent his Comand to withstand the Invador. And the said Bertrem (who had an eminent wounds that soon after he dyed thereof god) the said family on a direct male line have and are the present possessors thereof.





Edw. Le Davis sculp

The Effigies of the Right Noble George,  
Earle of Torrington, Baron Moncke  
Teys, Knight of the Noble order of the  
Devonshire, Captaine Generall of  
Ioynt Admirall with his Highness  
one of the Lords Comissioners of his  
of his Bedchamber & one of ij L. of his



late Duke of ALBEMARLE,  
of Potheridge, Beauchamp and  
Garter, Lord Lieutenant of  
all his Majestyes Land Forces,  
Prince Rupert in the last Dutch War,  
Majestys Treasurers of the Gentlemen  
most Hon.<sup>ble</sup> privy Councell &c.



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T H E  
S E C O N D P A R T  
O R  
Honour Civil :

A N D  
Treateth of the N O B I L I T Y and G E N T R Y, according to the Laws  
and Customs of E N G L A N D.

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C H A P. I.

*Of Honour General and Particular.*



**H**ONOUR is the Reward of Vertue, as Infamy the Recompence of Vice, and he that desireth to mount her Footsteps (as naturally all Men in some degree or other are addicted unto) must arrive thereunto by the way of Vertue: Which was strictly observed by the *Romans*; for Dignities by Birth were not enough to advance them thereunto, if they were not endowed with Heroick and Vertuous Qualifications; and Honour should be a Testimony of their Excellency therein. Some Learned Writers say, That Honour consisteth in exterior Signs; and *Aristotle* calleth it, *Maximum bonorum exteriorum*: Others say it is a certain Reverence in Testimony of Vertue. Honour is of greater esteem than Silver or Gold, and ought to be prized above all Earthly Treasure. And for the encouragement of Youth to vertuous Atchievements, the *Romans* were no more slack in their Rewards and Badges of Honour, than they were in their

punishment of Vice, which was most detestable unto them. And *Marcus Tullius* studying to restrain the Vice of Youth, by Law ordained eight several Punishments, which he called *Dammum, Vincula, Verbera, Talio, Ignominia, Exilium, Mors, Servitus*.

The Ensigns of Honour, which the *Romans* used to bestow in token of Dignity, were Chains of Gold, gilt Spurs and Launces, but principally Crowns of different Forms; which at first were made of Bays, in token of Mirth and Victory, but afterwards they were made of Gold.

The chief Crowns were Military, with which their Consuls and chief Commanders in their Triumphs were crowned.

The next was by them called *Corona Muralis*, and was given to him that was first seen upon the Wall of an Enemies Town; and this Crown was wrought with certain Battlements like a Wall, and made of Gold.

*Corona Castrensis*, made of Gold with points like Towers; and this was given for a Reward to him



him that could break the Wall of an Enemy, and enter the Town or Castle.

*Corona Navalis*, made of Gold, garnished with Forecastles, and given to him that first boarded an Enemies Ship.

*Corona Oleaginea*, made of Gold, given to them that repulse an Enemy, or were Victorious in the *Olympian Games*.

*Corona Ovalis*, made of Gold, given to them that entred a Town taken with little Resistance, or yielded upon Composition.

*Corona Obsidionalis*, given to a general Leader that had saved his Army in Distress; and this Crown was made of the Grass growing where the Army was besieged.

*Corona Civica*, made of Oaken Boughs, and was given to him that saved a Citizen from the Enemy.

*Corona Hederalis*, which was given to Poets.

*Corona Populea*, which was given to young Men that were industrious, and inclined to Vertue.

*Aristotle* makes four kinds of civil Nobility, viz. *Divitiarum, Generis, Virtutis, & Discipline*.

Sir *John Ferne* defines Civil Nobility to be an Excellency of Dignity and Fame, placed in any Kingdom or People, through the Vertues there shewed forth to the profit of that Kingdom. Which made *Diogenes* to term Nobleness of Blood a Vail of Lewdness, a Cloak of Sloth, and a Vizard of Cowardise.

Civil Nobility may be refined into a triple Division; first by Blood, secondly by Merit, and thirdly by Blood and Merit; which last without doubt is the most Honourable, and of greatest esteem: For certainly the Honour gained lives in his Family, and doth perpetuate his Vertues to Posterity; whilst the glory that those by descents of Blood shine in, is but the reflection of their Ancestors. For all will judge the raiser of a Family more honourable than him that succeeded him, not adding to that Honour by any Merit of his own. So that it is the best Honour the Son can do his deceased Father or Relation, to imitate his Vertues.

If any Person be advanced by lawful Commission of his Prince, to any Place, Dignity, or publick Administration, be it either Ecclesiastical, Military, or Civil, so that the said Office comprehends in it *Dignitatem, vel dignitatis titulum*, he ought to be received into the Degree of Gentility. And a Man may be enobled by Letters Patents from his Prince, though he have not the Superiour Titles added; and may have a Coat of Arms given him.

#### *Of Gentry, and bearing of Arms.*

N O A H had three Sons who were saved with him in the Ark from the Deluge, viz. *Sem, Cham, and Japheth*; and between these three he divided the World. *Sem*, his eldest Son he made Prince of *Asia*; *Cham*, his second, Prince of *Africa*; and *Japheth*, his third, Prince of *Europe*.

Of these three issued divers Emperors and Rulers; whereof at this Day we have ten Degrees;

of which Six are called Noble, as a *Gentleman, Esquire, Knight, Baronet, Baron, and Viscount*; and four others are called Excellent, as an *Earl, Marquis, Duke, and Prince*.

There are Nine sundry Callings of Gentlemen.

1. The first is a Gentleman of Ancestry, which must needs be a Gentleman of Blood.

2. The second is a Gentleman of Blood, and not of Ancestry, as when he is the second degree descended from the first.

3. The third is a Gentleman of Coat Armour, and not of Blood, as when he weareth the King's Devise given him by a Herald. If he have Issue to the third Descent, that Issue is a Gentleman of Blood.

4. The fourth also is a Gentleman of Coat Armour, and not of Blood; as when the King giveth a Lordship to him and his Heirs for ever; then he may by vertue thereof bear the Coat of the Lord's making, the Herald approving thereof: But if any of the Blood of that Lordship be yet remaining, he cannot bear the same.

5. The fifth is a Christian Man, that in the Service of God and his Prince kills a Heathen Gentleman, he shall bear his Arms of what degree soever (a Knight Banneret excepted) and use his Atchievment without any difference, saving only the Word of the same miscreant Gentleman. If he also have Issue to the fifth Degree, they are Gentiles of Blood. Note, that no Christian may bear another Christians Coat, nor a Pagan a Pagans Coat, on the Condition abovesaid: But if an *English* Man in the Field, when the Banner Royal is displayed, do put to flight any Gentleman which is an Enemy to his Prince, from his Banner of Arms, the *English* Soldier may honour his own Coat in the Sinister Quarter with the proper Coat of the Gentleman that he has so put to flight.

An Instance of this kind is the Coat of Sir *John Clark*, who took Prisoner *Lewis de Orleans*, Duke of *Longeville*, at the Journey of *Bony*, by *Terovene* 1<sup>st</sup>. August 5. H. 8. Some carry their Prisoners Coat as part of their Crest; thus did *Richard Waller*, of *Groombridge* in *Kent*, who took Prisoner *John Duke of Orleans*, at the Battle of *Agencourt*; and hung the entire Coat of the said Duke by a String, upon a Branch of his Walnut-Tree or Crest. See more of these in my Discourse upon Augmentations.

Also in Challenge of Combat, the Victor shall not bear the Coat of the Vanquished: Yet indeed the Vanquished shall loose his own Coat: But if he marry a Gentlewoman of Coat-Armour, by the Curtesie of *England* he may bear hers.

6. If the King do make a Yeoman a Knight, he is then a Gentleman of Blood.

7. The Seventh is, when a Yeoman's Son is advanced to Spiritual Dignity, he is then a Gentleman, but not of Blood; but if he be a Doctor of the Civil Law, he is then a Gentleman of Blood.

8. The Eighth is called a Gentleman untrayal, as brought up in an Abby, and serving in good Calling, and also is of kind to the Abbots.

9. The





*The Effigies of y<sup>e</sup> Right  
of Shaftsbury, Baron  
S<sup>t</sup> Giles, & L<sup>d</sup> Cooper  
Chancellor of England,  
County of Dorset, and  
Hon<sup>ble</sup> Privy Councell.*



*Hon<sup>ble</sup> Anthony Earle  
Ashley, of Wimbourne,  
of Pawlet; L<sup>d</sup> High  
L<sup>d</sup> Lieutenant of the  
Dome of y<sup>e</sup> Lords of y<sup>e</sup> most  
to King Charles y<sup>e</sup> 2<sup>d</sup>  
Domini 1673.*

*Anno*





The Effigies of the  
Lord Finch, Baron  
High Chancellor  
of Lords of the most  
to King Charles II.



Right Hon<sup>ble</sup> Heneage  
of Daventry, Lord  
of England, & one of  
Hon<sup>ble</sup> Privy Councill,  
second. Anno Dñi: 1676.



9. The Ninth is called a Gentleman Apocriphate, such a one as serving the Prince as a Page, groweth by diligence of Service to be Steward, or Clerk of the Kitchin, and is without Badge of his own, except when the Prince by the Herald endoweth him with some Cognifance, &c.

*Aristotle* in his *Politicks* reciteth four Kinds of Nobility; that is, Nobleness of Riches, Nobleness of Lineage, Nobleness of Vertue, and Nobleness of Science: amongst which, those of Vertue and Lineage are of chief estimation, being such from whence the others do proceed.

As some write, Nobility began to be advanced shortly after *Noah's* Flood: For when Possessions were given by the consent of the People (who had all Things in common, and were of equal Degree) they gave them to such whom they admired for their Vertues, and from whom they received a common Benefit.

The Law of Arms, which is chiefly directed by the Civil Law, must needs be very ancient; for Field nor Fight cannot be continued without the Law; therefore 'tis to be presumed it began when Battels were first fought in the World; and the bearing of Arms (as we now understand the Word) was introduc'd as I observ'd to you in my Introduction, by Embossing or Painting *Insignia* or *Nota* on Arms, *i. e.* Weapons; which by History plainly appears to be a very ancient Custom; *Viz.* in the Cradle-Age of Discord, whence as it were *Pedetentim* they are arriv'd to their present Perfection.

It is written by an ancient Author, called *Gesta Trojanor*, that a Knight was made before any Coat-Armour; and how. *Asterial*, who came from the Line of *Japheth*, had a Son named *Olibion*, who was a strong and mighty Man, and when the People multiplied, being without a Governour, and were warred upon by the People of *Cham*, they all cryed upon *Olibion* to be their Governour; which accepting of, and Men being mustered under him, his Father made to his Son a Garland of Nine divers precious Stones, in token of Chivalry. Then *Olibion* kneeled down, and his Father took *Japheth's* Faulchion that *Tubal* made before the Flood, and smote him nine times on the right Shoulder, in token of the nine Vertues of Chivalry. Also *Asterial* gave to his Son *Olibion* a Target made of an Olive Tree, with three Corners, two above his Face, and one beneath to the Ground-ward.

*Principles of Honour and Vertue that every Gentleman ought to be endoweth with.*

To love, honour, and fear God; To walk after his Commandments, and to his Power defend and maintain the Christian Religion; to be loyal and serviceable to his Prince and Country; To use Military Exercises; To frequent the War, and to prefer Honour before worldly Wealth; To be charitable to the Distressed, and to support Widows and Orphans; To reverence Magistrates, and those placed in Authority; To cherish and

encourage Truth, Vertue, and Honesty, and to eschew Riot, Intemperance, Sloth, and all dishonest Recreations and Company; To be of a courteous, gentle, and affable Deportment to all Men, and to detest Pride and Haughtiness; To be of an open and liberal Heart, delighting in Hospitality, according to the Talent that God hath blest him with; To be true and just in his word and dealing, and in all respects give no cause of Offence.

#### *Of Precedency.*

THE Degrees of Honour which are in this Kingdom observed, and according to which they have *Precedency*, may be comprehended under two Heads, *viz.* *Nobiles Majores*, and *Nobiles Minores*. Those comprehended under *Majores* are Dukes of the Royal Blood, Archbishops, Marquisses, Earls, Viscounts, Bishops, and Barons: And those under *Minores* are Knights of the Garter (if no otherwise dignified) Knights Bannerets, Baronets, Knights of the Bath, Knights Batchelors, Esquires, and Gentlemen. And all or most of these Degrees of Honour are speculatively distinguished the one from the other in their Ensigns or Shields of Honour, as shall be shewed in the Chapter of each particular Degree.

Touching place of Precedency amongst the Peers, or those under the Name of *Nobiles Majores*, it is to be observed, That all Nobles of each Degree take place according to their Seniority of Creation, and not of Years, unless they are descended of the Blood Royal, and then they take place of all others of the same Degree.

That after the King, the Princes of the Blood; *Viz.* the Sons, Grandsons, Brothers, and Nephews of the King take place: Then these great Officers of the Church and Crown are to precede all other of the Nobility, *viz.* the Archbishop of *Canterbury*, the Lord Chancellor, or Lord Keeper of the Great-Seal, the Archbishop of *York*, the Lord Treasurer of *England*, the Lord President of the Privy Council, and the Lord Privy Seal. Next Dukes, Marquisses, Dukes eldest Sons, Earls, Marquisses eldest Sons, Dukes younger Sons, Viscounts, Earls eldest Sons, Marquisses younger Sons, Bishops, Barons, Viscounts eldest Sons, Earls youngest Sons, Barons eldest Sons, Privy Councillors, Judges, and Masters of the Chancery, Viscounts younger Sons, Barons younger Sons, Knights of the Garter (if no otherwise dignified, which is seldom found) Knights Bannerets, Baronets, Knights of the Bath, Knights Batchelors, Colonels, Serjeants at Law, Doctors, and Esquires, which may be comprehended under five Heads: 1. Esquires unto the King's Body; 2. The Descendants by the Male Line from a Peer of the Realm; 3. The eldest Sons of Baronets and Knights; 4. The Two Esquires attending upon Knights of the Bath at their making; And 5. Officiary Esquires, as Justices of the Peace, Barresters at Law, Lieutenant Colonels, Majors, and Captains; and lastly, Gentlemen.

*Note,*



*Note*, That these great Officers of Court, of what Degree soever they are of, take Place above all others of the said Degree; *viz.* the Master of the Horse, Lord Chamberlain of *England*, Lord High Constable of *England*, Lord Marshal of *England*, Lord Admiral of *England*, Lord Steward, and Lord Chamberlain of His Majesty's Household.

So the Secretaries of State, if Peers, take place of all of that Degree, except these great Officers aforesaid.

*Note*, That the Ladies take place or precedence according to the Degree or Quality of their Husbands.

*Note*, That it was decreed by King *James*, That the younger Sons of Viscounts and Barons should yield place to all Knights of the Garter, to all Bannerets made under the Standard Royal, His Majesty being present, to all Privy Councillors, Master of the Wards, Chancellor, and under Treasurer of the Exchequer, Chancellor of the Duchy, Chief Justice of the King's Bench, Master of the Rolls, Chief Justice of the Common Pleas, Chief Baron of the Exchequer, and to all other Judges and Barons of the degree of the Coif, by reason of their Honourable imploy in His Majesty's Courts of Justice.

*Note*, That as there are some great Officers, as aforesaid, that take place above the Nobility of a higher Degree; so are there some Persons, who for their Dignities Ecclesiastick, Degrees in the Universities, and Officers in an Army, although neither Knights nor Gentlemen born, take place amongst them: Thus all Deans, Chancellors, Prebends, Doctors of Divinity, Law, and Physick, are usually placed before most sorts of Esquires.

All Colonels are Honourable, and by the Law of Arms ought to precede simple Knights; so are

all Field Officers, Master of the Artillery, Quarter-Master General, &c.

All Batchelors of Divinity, Law, and Physick, all Masters of Arts, Barrestors in the Inns of Court, Captains, and other Commissionate Officers in the Army, or those by Patent-places in His Majesty's Household may equal (and some of them precede) any Gentleman that hath none of these Qualifications. But how unjustly these Privileges are possessed by some of these Pretenders, and how contrary this Usage is to the Laws of Honour, see the Chapter of Gentlemen.

I think it here convenient to give you an Account of the Cavalcade of His Majesty's passing through the City of *London*, before his Coronation.

THE King being arrived at *Greenwich*, and the Day fixed for His Majesty's Royal Entry, publick Notice thereof was given by the Lord Marshal of the Times and Places, where the Nobility, the Lord Mayor, Aldermen, and Citizens of *London*, &c. were to meet, in order to attend His Majesty: And some of the Officers of Arms being appointed by the Lord Marshal to go to *Greenwich* early that Morning, to Rank the Coaches of the Great Officers, the Nobility, and others, in Order, the Juniors first, which were to assemble by Ten of the Clock in the Morning in the Park there, in order to precede the King's Coach; and Notice being given to the Officers of Arms when His Majesty was ready to set out, His Majesty preceded as aforesaid, and attended by His Guard *du Corps*, to proceed from thence in His Coach, towards *London*, in the following Order; *Viz.*

Four of the Knight Marshal's Men on Horseback.

Coaches of Esquires with Six Horses each.

Coaches of Knights Batchelors.

The King's Solicitor.

The King's Attorney.

Baronets of *Ireland*, *Nova Scotia*, and *Great Britain*.

Younger Sons of Barons of *Ireland* and *Great Britain*.

Younger Sons of Viscounts of *Ireland* and *Great Britain*.

Barons of the *Exchequer*, and }  
Justices of both Benches, } according to their Seniority.

Lord Chief Justice of the *Common-Pleas* (may go as a Baron.)

Master of the Rolls,

Lord Chief Justice of the *King's Bench*, } may go as Privy Councillors.

Privy Councillors not Peers.

Eldest Sons of Barons of *Ireland* and *Great Britain*.

Younger Sons of Earls of *Ireland* and *Great Britain*.

Eldest Sons of Viscounts of *Ireland* and *Great Britain*.

The Speaker of the *House of Commons*.

Barons of *Ireland* and *Great Britain*.

Bishops of *England*.

Younger Sons of Marquisses.

Eldest Sons of Earls of *Ireland* and *Great Britain*.

Viscounts of *Ireland* and *Great Britain*.

Younger Sons of Dukes of *Great Britain*.

Eldest Sons of Marquisses of *Great Britain*.

Earls of *Ireland* and *Great Britain*.

Earl



Earl *Poulet* Lord Steward of the King's Household.  
 Earl of *Suffolk* and *Bindon* as exercising the Office of Earl Marshal of *England*.  
 Eldest Sons of Dukes of *Great Britain*.  
 Marquisses of *Great Britain*.  
 Marquis of *Lindsey*, Lord Great Chamberlain of *England*.  
 Dukes of *Ireland* and *Great Britain*.  
 The Lord Chamberlain (who appear'd as Treasurer.)  
 The Great Officers, *Viz.*  
 The Lord Privy Seal.  
 The Lord President of the Council.  
 The Lord High Treasurer.  
 The Lord Archbishop of *York*.  
 Lord Chancellor.  
 Lord Archbishop of *Canterbury*.

The KING's Majesty in his Coach, with His Royal Highness the PRINCE.

The King's Guards of Horse, commanded by the *Captains* of the *Guards*.

IN this Manner his Majesty, preceded by the Nobility and others in their Coaches as aforesaid, was attended from the Queen's House in the *Park* thro' *Greenwich* and *Deptford* to *Kent-street* End, and from thence to *St. Margaret's-Hill* in *Southwark*, where the Lord Mayor of *London*, and others did wait his Arrival.

AND upon Notice, That the Nobility, &c. were arrived near to *St. Margaret's-Hill* in their Coaches, the Officers of Arms began to draw out the Grand Proceeding, in the following Order, *Viz.*

A Detachment of the Artillery Company in Buff-Coats, &c.  
 The two City Marshals on Horseback with their Men on Foot to make Way.  
 Two of the City Trumpets on Horseback.  
 The Sheriffs Officers on Foot with Javelins in their Hands.  
 The Lord Mayor's Officers in black Gowns, on Foot two and two.  
 Two more of the City Trumpets on Horseback.  
 The City Banner born by the Water Bailiff on Horseback, with a Servant on Foot in a colour'd Livery.  
 Then the City Officers on Horseback, in their proper Gowns, Each attended by a Servant on Foot in colour'd Liveries.  
 The four Attorneys two and two.  
 The Solicitor, and the Remembrancer.  
 The two Secondaries.  
 The Comptroller.  
 The four Common Pleaders.  
 The two Judges.  
 The Town-Clerk.  
 The Common Serjeant, and the Chamberlain.  
 Two more of the City Trumpets on Horseback.  
 The King's Banner born by the Common Hunt on Horseback, with a Servant on Foot in a colour'd Livery.  
 The Common Cryer in his Gown, and the City Sword-bearer in his black Damask Gown and Gold Chain, both on Horseback, each having a Servant on Foot in colour'd Liveries.  
 Then those who have Fin'd for Sheriff or Alderman, or served the Office of Sheriff or Alderman, in Scarlet Gowns on Horseback, according to their Seniorities, two and two, the Juniors first, each attended by two Servants on Foot in colour'd Liveries.  
 The two Sheriffs in Scarlet Gowns on Horseback, with their Gold Chains, and their White Staves in their Hands, each attended by two Servants on Foot in colour'd Liveries.  
 The Aldermen below the Chair on Horseback in Scarlet Gowns, two and two, each attended by his Beadle and two Servants on Foot in colour'd Liveries.

Note, The Recorder should have rid between the Aldermen below the Chair and the Aldermen above the Chair; but by reason of his being to make a Speech to His Majesty, when the Lord Mayor presents the City-Sword to the King at *St. Margaret's-Hill*; He therefore rid (upon this Occasion only) just before the Lord Mayor in the Proceeding. But this Indulgence is not hereafter to be drawn into Precedent.



Then the Aldermen above the Chair in Scarlet Gowns, on Horseback, wearing their Gold Chains, attended by their Beadles, and two Servants each, in colour'd Liveries.

Then the Coaches of the Nobility, Great Officers, &c. in the Order they came from *Greenwich*.

The Knight Marshal's Men on Horseback, two and two.

The Knight Marshal, or his Deputy on Horseback.

The King's Kettle-Drums.

The Drum-Major.

The King's Trumpets, two and two.

The Serjeant Trumpet with his Mace.

Pursuivants of Arms uncover'd, two and two.

Heralds of Arms.

Kings of Arms.

Serjeants at Arms,  
with their Maces,  
bare headed.

Serjeants at Arms,  
with their Maces,  
bare-headed.

The Recorder in a Scarlet Gown on Horseback, uncovered.

Gent. Usher of the  
Black-Rod, on  
His left Hand,  
uncovered.

The King's  
Footmen.

The Lord Mayor of *London* in his Crimson Velvet Gown on Horseback, wearing his Rich Collar and Jewel, uncovered, bearing the City-Sword by His Majesty's Permission, with only four Servants on Foot, bear-headed, in colour'd Liveries.

Garter King of Arms,  
or his Deputy, on  
the right Hand,  
uncovered.

The King's  
Footmen.

Lieutenant of  
the Yeomen of  
the Guard.  
The King's  
Equerry in  
waiting  
Yeomen of the  
Guard.

The KING in His Coach,  
With the PRINCE.

Yeomen of the  
Guard.  
Captain of the  
Yeomen of the  
Guard.

His Majesty's Horse-Guards as before, to close the Proceeding.

Thus the KING did pass from *St. Margaret's-Hill* (after the Recorder made his Speech, and the Lord-Mayor had receiv'd the City-Sword from His Majesty) to his Royal Palace of *St. James's*.

The Train'd-Bands of *Southwark*, by Order of the Lord-Lieutenant of *Surrey*, lined the Way from *Kent-street* End, to the Foot of *London-Bridge*.

Three Regiments of the City Train'd Bands made a Guard from the *Bridge* to the *Stocks-Market*.

The several Companies of *London*, with their Ensigns, did line the Streets on both Sides, from the *Stocks-Market* to *St. Paul's Church-yard*, at the East-End whereof, the Children of *Christ's-Hospital* stood, and one of the King's Boys made a Speech to His Majesty. The said Companies reach'd to the End of *St. Paul's Church-yard* on one side of the Way, and on both from thence almost to *St. Bride's Church, Fleet-street*.

And the other Three Regiments of the City Train'd-Bands guarded the Way from *St. Paul's Church-Yard* to *Temple-Bar*. From *Temple-Bar*, the Steward, High-Bailiff and Burgeses of *Westminster* in their Gowns, attended by all the Constables and Beadles with their respective Staves: And the High-Bailiff's Officers, with their Ensigns of Office, lined the Way: And next to them the Militia of *Westminster* made a Guard, leaving a Space between them and His Majesty's Foot Guards (who lined the Way from *St. James's* into the *Strand*) for the Artillery-Company of *London* to draw up in, who proceeded so far with the Consent of the Lord-Lieutenant of *Middlesex*, and there made their Stand.

Against *St. Alban's-Street* in the *Pall-Mall*, the Sheriffs Officers, and Lord Mayor's Officers, made a Stand on the Right-Hand.

Those who have served, or serv'd for Sheriffs or Aldermen of *London*, made their Stand between the Passages into *St. James's-Square*.

The Sheriffs and Aldermen made their Stand towards the upper End of the *Pall-Mall*, on the Right-Hand leading to *St. James's-Gate*.

The Nobility, and others who went in their Coaches, did alight at *St. James's-Gate*, and the Coaches pass'd by *St. James's-Meuse* into *St. James's-Park*, and went out again at the upper Gate by *Hyde-Park*.

The Knight-Marshal's Men, Kettle-Drums, Trumpets, and Serjeant-Trumpet, made a Stand on the Right-Hand-side from the End of the *Pall-Mall*, by the *Gloucester-Tavern*.

The Officers of Arms, and Serjeants at Arms, pass'd on to the second Gate-way and there alighted.

The Lord Mayor, with Garter, and the Gentleman-Usher of the Black-Rod, attended His Majesty into *St. James's* to the Foot of the Stairs leading up to the Guard-Chamber; where they alighted, and the Lord Mayor humbly took his Leave of His Majesty.

During



During the whole Proceeding from *St. Margaret's-Hill*, the Conduits at *Stocks-Market*, and other Parts of the City, ran with Wine as usual. And the great Guns at the *Tower* were twice Discharged : First, at his Majesty's taking Coach at *Greenwich* : And Secondly, after his passing over *London-Bridge*. And at His Majesty's Arrival at his Royal Palace, the Cannon in the Park were thrice Discharged.

*This is a Copy of the Ceremonial then Printed, according to the Appointment of the Earl Mar'hal.*

As in Man's Body, for the preservation of the whole, divers Functions and Offices of Members are required ; even so in all well governed Common-wealths, a distinction of Persons is necessary ; and the Policy of this Realm of *England*, for the Government and Maintainance of the Common-wealth, hath made a threefold Division of Persons ; That is to say,

First the King, our Sovereign Monarch (under which Name also a Sovereign Queen is comprised, as it is declared by the Statute made in the First of *Queen Mary*, cap. 1. *Parliam.* 2.)

Secondly the Nobles, which comprehend the Prince, Dukes, Marquisses, Earls, Viscounts, and Barons Spiritual and Temporal.

Thirdly the Commons, by which general Word are understood Baronets, Knights, Esquires, Gentlemen, Yeomen, Artificers, and Labourers \*.

It is observed, that our Law calleth none Noble under the Degree of a Baron, and not as Men of Foreign Countries do use to speak, with whom every Man of Gentle Birth is counted Noble : For we daily see, that both Gentlemen and

\* *Co. Lit. fol. 163.*  
159. B. & 156 B.  
*Dodridge's Treatise of the Nobility*, p. 1.

† *Lambert's Justice of Peace*, l. 4 c. 13.  
*Co. Lit. f. 16. B.*

‡ *Dyer 155* *Crompton's Courts*, fol. 35. B.

§ *Co. Lit. 12. 1. 8.*  
\* *Sir Tho. Ridley's View of Laws*, Part 2. c. 1. Sect 7 pag. 140. Edit. 4th. 1575.

The Nobility are known by the general Name of *Pares Regni*, Peers of the Realm, Barons of the Parliament, Barons of the Realm, and Barons of Honour ; for Dukes, Marquisses, Earls, and Viscounts did anciently Sit together in the King's great Council of Parliament as Barons, which they do still, and that in right only of their Baronies : Wherefore by the general Name of Barons of the Realm, and for the Baronage thereof, we understand the whole

† *Co. 2. Inst. fol. 61.*  
and *Cambr. Brit. Eng. Edit. 1610.*

Body of the Nobility † ; the Parliament Robes of the Dukes differing nothing from the Barons, but that they wear the Guards upon their Shoulders three or four Folds : For though Dukes, Mar-

quisses, Earls, and Viscounts in their Creations are attired with Ornaments of Silk and Velvet ; yet in Parliament they use the same that Barons do, made of Scarlet, with divers differences of white Fur set as Fringes or Edgings on their Shoulders ; and although they Sit in right of their Baronies, yet they take their Places according to their degrees of \* *Mr. Tho. Mills, fol. 66.* Dignity \*.

And hence it is that those bloody Civil Wars concerning the Liberties granted in the Great Charter, both in the Time of King *John*, and *Henry* the III, his Son, prosecuted by all the Nobility (some few excepted) are called in our Histories the *Barons Wars*. Neither have the Spiritual Lords any other Title to that Preheminence, but by their ancient Baronies : For although originally all the Possessions of Bishops, Abbots, and Priors, were given and holden in Frank Almoign ; most of their Tenures were altered, viz. *Baronia*, as appeareth in *Matthew Paris A. 1070. fol. 66.* and of that Tenure have continued ever since, as you may read by the Constitutions of *Clarendon* in the Reign of *Henry* the II, and in *Glanville* and *Bracton*. But the Tenures of all Abbots and Priors were extinguished by the uniting and coming of them to the Crown by the Statute of Dissolution of Monasteries : For though the Nobility of *England* differ in Titles and certain Ceremonies, yet as Barons, all enjoy the same Privileges †.

And by Experience it is found, as in the Case of the Countess of *Rutland*, &c. That Dukes and all other degrees of Nobility in Cases Criminal are tryed by Barons, together with Marquisses, Earls, and Viscounts, as their Peers, and Peers of the Realm \*.

*Nobilitas* generally is of the word [*Nosco*] signifying in common Phrases of Speech, Men of Generosity of Blood and Degree ; and therefore it is said, *Vir nobilis idem est quod notus*, & per omnia ora vulgatus : But especially it is applyed and used to express the reward of Vertue in honourable measure, a generis claritate, which being in part of distributive Justice, remaineth with the highest Sovereign annexed to the Imperial Crown of this Realm.

For as Vertue is the gift of none but of God, so the reward thereof with Honour cannot be the gift of any but the Supreme Governour, being God's Vicegerent on Earth. But when Honour and Arms be bestowed upon any, if there shall arise contention between Competitors for the same, the ancient Policy of this Realm hath ordained a Special Court ; the Judges whereof in all Times having been Right Honourable Per-



nages, viz. the Lord High Constable and the Earl Marshal; and in latter Times the Judge thereof only the Earl Marshal. The Jurisdiction of the Court consisteth in the Execution of that part of distributive Justice, which concerneth the advancement and support of Vertue.

Nevertheless some Men there are, not duly considering of what Principle and Parts the Laws of this Realm do consist, have laboured to prove that the Questions and Controversies of Nobility and Arms should not be determined by the Laws of the Realm, but by the Civil Law, framing to themselves many Arguments to prove the same; but being of small value, I pass them over.

The Common Laws, as also the Laws of Charity used in the Marshals Court, do prohibit any Subject of this Realm to receive Titles of Honour and Dignity by gift or donation from a Foreign Prince, King, or Emperor, without the Consent and Approbation of his own Sovereign Prince; for it is a Thing greatly touching the Majesty of the King and State of his Kingdom, *Est vis Majestatis & inter insignia summæ potestatis.*

And if a Man shall bring an Action, and in the Writ is styled by such a Foreign Title, the Defendant may plead in Abatement of his Writ, That he is no Duke, Marquis, Earl or Baron; whereupon if the Plaintiff, as demand, take Issue, the Issue shall not be tryed by the Jury, but by the Records of Parliament, wherein he faileth.

And if any *Englisb-man* be created Earl of the Empire, or of any other Foreign Nation, and the King also do create him into any Title of Honour in *England*, he shall be named in all Judicial Proceedings only by such Name and Title as he hath received from the King of this Realm, where Subject he is. And if by the King of *England* he be not advanced to Title of Honour, then he shall bear the Name only of his Baptism and Surname, unless he be a Knight. For experience teacheth that Kings joyned in League together by certain mutual, and as it were natural, power of Monarchies according to the Laws of Nations, have dismissed one anothers Subjects and Ambassadors graced with the Dignity of Knighthood.

A Duke of *Spain*, or of another Foreign Nation, cometh into *England* by the King's safe Conduct, in which also the King doth style him Duke, according to his Creation; nevertheless in all proceedings in the King's Courts he shall not be so styled by his Title of Dignity.

And although the said Noble Person be also by the King's Letters Patents, and by his Foreign Name and Title of Dignity made Denizon (for that is the right Name so called, because his Legitimation is given to him): Or if he be naturalized by Authority of Parliament, wherein he seemeth to be in all things made as a Subject born, yet shall he not be styled by his Foreign Titles of Dignity.

And so it is if a Nobleman of *France*, or elsewhere, come into *England* as Ambassador, and by lawful Marriage hath a Son, and the Father dieth,

the Son is by Birth a Natural *Englisb-man*, yet he shall not bear the Title of Honour of his Father; and the reason thereof is, because that Title of Nobility had its Original by a *French King*, and not by any natural Operation: which thing is well proved both by Authority of Law and Experience in these Days.

If a *Postnatus* of *Scotland* or *Ireland* (who in these Days is a Natural Subject to the King of *England*!) or if any of his Posterity be the Heirs of a Nobleman of *Scotland* or *Ireland*, yet he is none of the Nobility of *England*: But if that Alien or Stranger born a *Scot*, be summoned by the King's Writ to Parliament, and therein is styled by his Foreign or other Title, whereunto he is invested within *England* by the King's Grant; then, and from thenceforth he is a Peer of this Realm; and in all Judicial and Legal Proceedings he ought to be so styled, and by no other Name. And it was the Case of *Gilbert Humfrevile* Earl of *Angus* in *Scotland*: for it appertaineth to the Royal Prerogative of the King, to call and admit an Alien born to have Place and Voice in his Parliament at his Pleasure; although it is put in practice very rarely, and that for great and weighty Considerations of State. And if after such Parliamentary Summons of such a Stranger born Question do arise, and the Issue be, whether he is of that Title or no? it may well be tryed by the Record, which is the only lawful trial in that Case.

And truly, as Mr. *Brydall* Brydall's Privilegia Magnatum. further observes, such foreign Titles ought not to be accepted by Subjects, nor admitted by the Prince: That it belongs only to the Prince, and not to any other whatsoever, to distribute Dignities to their Subjects; according to that Saying of *Valerian* the Emperour, *Let that Dignity only hold, which is born by our Will.* For much is detracted from the Prince's Majesty, and the Subjects Obedience, if they may be permitted to receive Honours from foreign Princes; for a Tacit Contract of Fidelity seemeth to pass between the Honourer and the Honoured: That such Titles are secret Enticements to withdraw the Hearts of Subjects from their Princes; That an Action of Theft lies against him that shall brand another Man's Sheep with his Mark, and an Action of Fraud against him that by strewing of Food shall entice another Man's Sheep to his Flock.

The abovemention'd Gentleman concludes his Remark with the Judgment of Queen *Elizabeth*, touching the Title of Honour conferr'd by the Emperour on *Tho. Arundell* of *Wardour*, without Her Majesties being acquainted with it; *Between Princes* (says the Queen) *and then Subjects there is a most straight Tie of Affections. As chaste Women ought not to cast their Eyes upon any other Prince than him, whom God hath given them. I would not have my Sheep branded with another Man's Mark; I would not that they should follow the Whistle of a strange Shepherd.* Camden's *Eliz. Anno 1596. pag. 46. 468.* Engl.



‘ *Engl. Edit.* 1635. Camden’s *Britannia, Engl. Edit.* 1610. Baker’s *History in vita Eliz.* pag. 408. *Elit.* 1660. and Camden’s *Eliz. Ann.* 1594. p. 435. Dr. Zouch *de Judiciis inter Gentes Pars 2. Sect. 2. p. 64, & 65. Ed.* 1650.

But there is a Diversity worthy of Observation, for the highest and lowest Degrees are universal; and therefore a Knight (*English* or *Stranger* born) is a Knight in all Nations, in what place soever he received his Title and Dignity, and so ought of Right, and by Law, to be named in the King’s Courts as aforesaid.

Also if the Emperour, the King of Denmark, or other Foreign King, come into this Realm by safe Conduct (as he ought; for a Monarch or absolute Prince, though he be in League, cannot come without the King’s Licence and safe Conduct; but any Subject to such a foreign King in League, may come without Licence.) In this Case he shall sue and be sued by the Name of Emperour or King, or else the Writ shall abate.

There is a notable President cited out of *Fleta*, where treating of the Jurisdiction of the King’s Court of *Marshalsea*, it is said, And these things he might lawfully do by Office; that is to say, The Steward of the King’s Household, notwithstanding the Liberty of any other, although in another Kingdom, when the Offender may be found in the King’s Household: according to that which happened at *Paris* in the Fourteenth Year of *Edward* the I, when *Engelram* of *Nogent* was taken in the Household of the King of *England* (the King himself being then at *Paris*) with silver Dishes lately stolen; at which deed the King of *France* did claim Cognizance of the Plea concerning that Theft by Jurisdiction of that Court of *Paris*. The Matter being diversely debated in the Council of the King of *France*, at length it was Ordered, That the King of *England* should use and enjoy that Kingly Prerogative of his Household, who being Convicted by *Robert Fitz-John* Knight, Steward of the King’s Household, of the Theft, by consideration of the said Court, was hanged on the Gallows in *St. Germans Field*.

And here by the way may be noted from those recited Books alledged, That the Person of the King in another King’s Dominions is not absolutely privileged, but that he may be impleaded for Debt or Trespass, or condemned for Treason committed within the said Dominions: For it is the general Law of Nations, that in what place an Offence is committed, according to the Law of the said Place they may be judged, without regard to any Privilege. Neither can a King in any other Kingdom challenge any such Prerogative of Immunity from Laws: For a King out of his proper Kingdom hath not *merum Imperium*, but only doth retain *Honoris titulos & dignitatis*; so that where he hath offended in his own Person against the King in whose Nation he is, *per omnia distringitur, etiam quoad personam*. And the same Law is of Ambassadors, *ne officio daretur delinquendi*. That Ambassa-

dors are called Legats, because they are chosen as fit Men out of many; and their Persons be Sacred both at Home and Abroad, so that no Man may injuriously lay violent Hands upon them, without breach of the Law of Nations, and much less upon the Person of a King in a strange Land.

*Bracton*, a Judge of this Realm in the Reign of King *Henry* the III, in his first Book, and eighth Case, saith, *There is no respect of Persons with God; but with Men there is a difference of Persons; Viz. the King, and under him Dukes, Counts, Barons, Lords, Vassors, and Knights. Counts, so called, because they take the Name from the County, or from the word Sociati, who also may be termed Consules of Counselling; for Kings do associate such Men unto them to govern the People of God, ordaining into great Honours, Power, and Name, where they do gird them with Swords, that is to say, Ringis gladium.* Upon this cause were the Stations and Encampings of Arms, called by the Romans, *Castra*, of the word *Castrare*, since they ought to be *Castrata vel Castra*. In this Place ought a good General to foresee that *Venus Delights* be (as it were) gelded and cut off from the Army. So Sir *John Fern*’s Book, entituled, *The Glory of Generosity*; Ring, so called *quasi renes girans & circumdans*, for that they compass the Reins of such, that they may keep them from Incest of Luxury; because the Luxurious and Incestuous Persons are abominable unto God.

Anno 1641. ‘ A Message was sent to the House of Commons, to desire a Present Conference by a Committee of both Houses, touching Honour.

*Brydall’s Privilegia Magnatum. Remark XI.*

‘ The Subject of the Conference to be, *That both Houses may Petition His Majesty, that Titles of Honour may not be bought, and sold for Money, but that it may be Confirmed by His Majesty, as Anciently it was, for Vertue and Merit.* Dr. *Nelson*’s 2 Vol. f. 325.

‘ ALTHOUGH the Laws of this Realm regularly do make all the Daughters, where there are no Sons, equally to inherit Lands and Tenements, and to be One Heir to their Ancestors; yet it is not so in the Descent of Dignities and Titles of Honour; for Inheritances concerning Matters of Honour, being in their Nature things participating of Superiority and Eminency, are not partable among many, and therefore must of Necessity descend unto One, and that is to the Eldest Daughter, Sister, Aunt, or Cousin Female, Inheritable, where there are no Heirs Males, that may Lawfully challenge the same. *Dodridge in his Treatise of Nobility and Peerage, pag. 169. Tit. Noblewomen. Camden’s Britannica fol. 165. Engl. Edit. 1610. Bratton Lib. 2. cap. 34. fol. 76. B. Co. Lit. fol. 165. a. Fleta lib. 5. c. 9. 12. 16. pag. 313. Britton. cap.*



cap. 72. fol. 186. B. 187. a. But some hold that if a Baron dies, having Issue divers Daughters, the King who is the Sovereign of Honour and Dignity) may confer the Dignity on him, that Marries any of them, as has been done in divers Cases. *Co. lib. 12. fol. 3. Tit. Dignity. & Co. Lit. 165. a.*

Brydall, Rem. XIII.

A Question was moved in Parliament (*Anno 16 Car. I.*) touching the Barony of *Rutben*, where the Case was, That one being created Baron to him and his Heirs, hath Issue a Son and a Daughter by one *Venter*, and a Second Son by another *Venter*, and the eldest Son hath the Barony, and sits in Parliament, and afterwards dies without Issue; *Whether the second Son shall have that Dignity, as Heir to his Father: Or the Sister should have it as Possessio Fratris in Lands, &c.* and desired to have the Opinion of the Judges therein? And all the Judges resolved, that there is not any *Possessio Fratris* of a Dignity; but it shall descend to the Son; for the Younger Son is *Hæres Natus*, and the Sister only *Hæres Facta*, by the Possession of her Brother, of such things as are in Demesne, but not of Dignities, and such like, whereof there cannot be an Acquisition of the Possession. *Cro. Car. fol. 601. The Lord Grey's Case.*

Brydall, Rem. XIV.

THE Greater Dignity doth never drown the Lesser Honour, or Dignity: But both do stand together in one and the same Person: And therefore if a Knight be created a Baron, yet he remains a Knight still: So if a Baron be made a Viscount, yet the Dignity of a Baron continueth: So if a Viscount be made an Earl, yet the Viscountship remaineth, & *ſic de Cæteris*: But if an Esquire (which is no Name of Dignity) be made a Knight, the Degree of the Esquire is changed and gone, and the Knight cannot so be

Named in any Judicial Proceedings. *Co. 2. Inst. fol. 594. & 669. Co. Lib. 4. fol. 118. a. Aſton's Case 27. H. 64. 4. E. 410. 5. E. 4. 142. 35. H. 6. 12. 32. H. 6. 29.* And it is agreed (in *Plowden's Com. 213.*) That if the Crown of *England* do descend to a Duke, within *England* his Name of Duke is gone.

DUKES, Earls, and all others of the Degree of Nobility and Honour, have Offices of great Trust, and Confidence, being for two principal Purposes, the first, *Ad consulendum Regi tempore Pacis*, To counsel the King in time of Peace. The other, *Ad defendendum Regem, & Patriam tempore Belli*; To defend the King, and Country in time of War: And therefore Antiquity hath given unto them Two Ensigns to resemble both the said Duties: For the First, The Head is adorned with a Cap of Honour, and Coronet, and the Body with a Robe in resemblance of Counsel: Secondly, They are girt with a Sword, in resemblance, That they must be Faithful and True to defend the Prince and Countrey. *Co. lib. 7. 34. a. Nevill's Case, and lib. 12. f. 95. Countess of Shrewsbury's Case, Co. 2. Inst. fol. 5, & 6. Bracton, lib. 1. c. 8. n. 2.* I will conclude this last Remark thus; The Ennobled amongst the *Romans* had a Badge of a Moon, or Crescent; in *Plutarch's* Judgment, not so much to signify the Instability or Frailty of their Place and Honour, as to put them in Mind to be Obedient and Loyal to their Prince, the Fountain of their High Dignity, as the Sun is to the Moon, *Plut. in Probl. Probl. 72.*

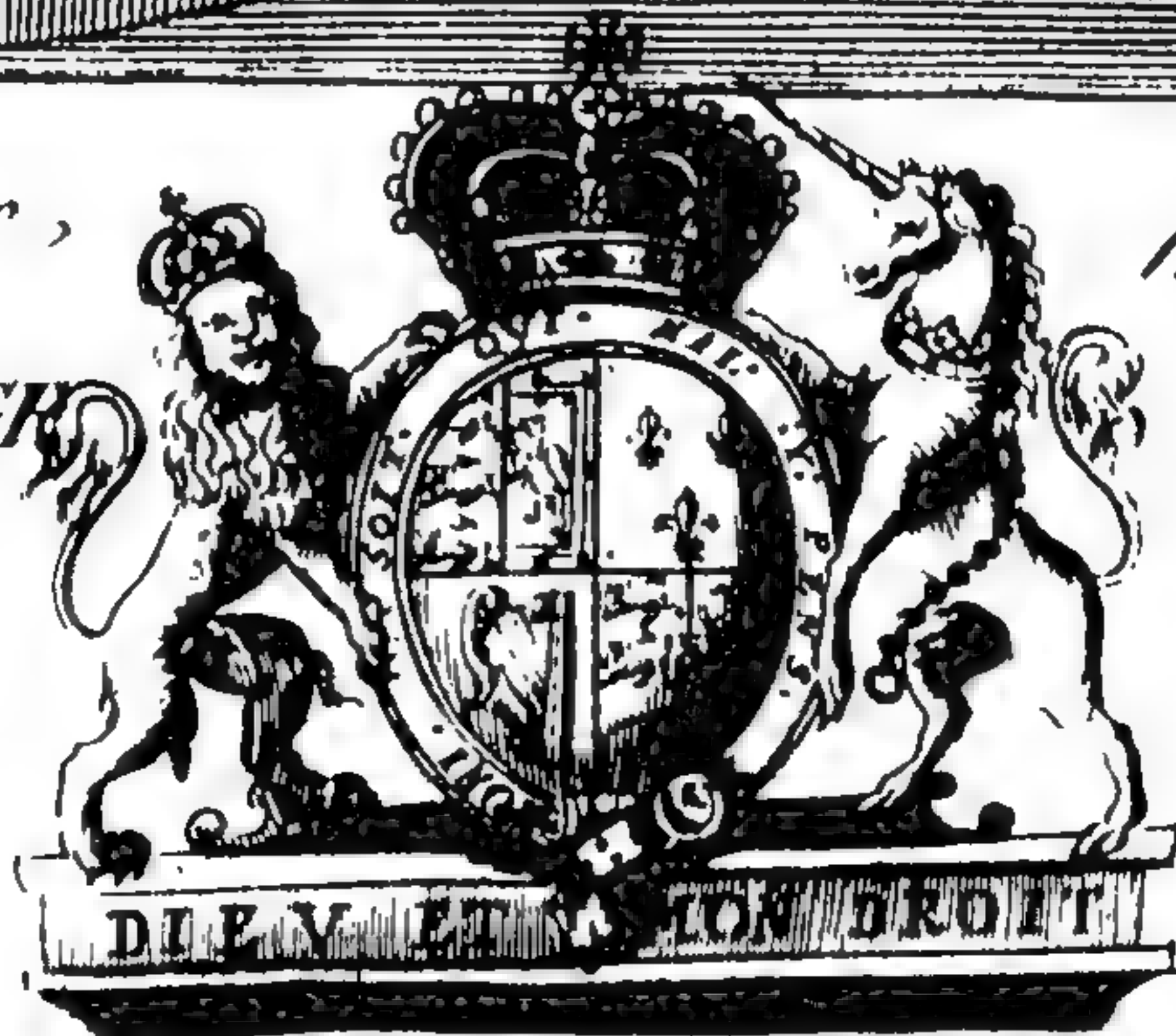
And thus much in general of the Nobility of *England*. Now followeth a more particular Discourse of each particular Degree; and first of His Majesty, the Fountain from whence all these Rivulets and swelling Streams of Honours Spring.





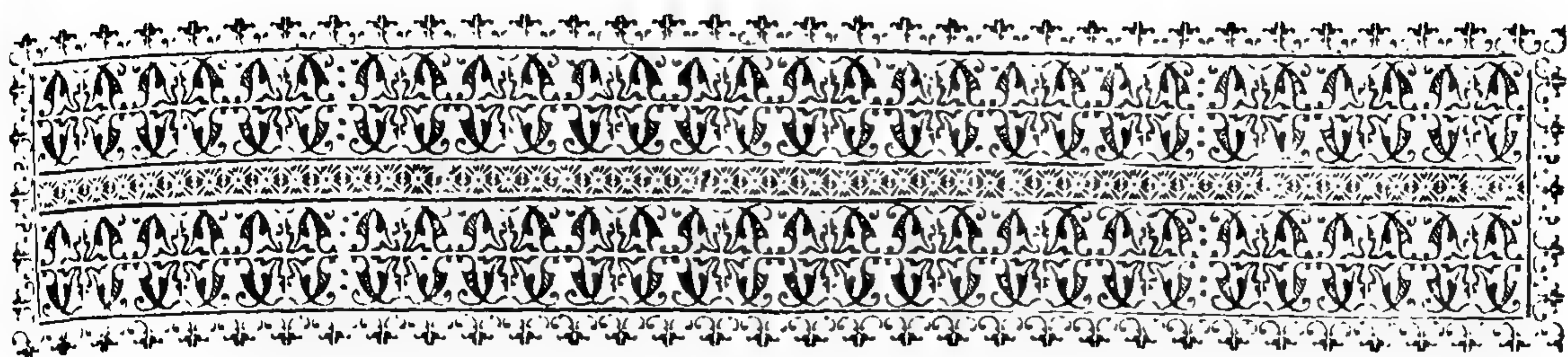


*The Effigies of the  
 by. Monarch GEORGE  
 King of Great,  
 and Ireland,  
 the faith,*



*most high and might  
 by the Grace of God  
 Britain, France,  
 Defender of  
 &c.*





OF THE  
K I N G,  
O R  
M O N A R C H  
O F  
G R E A T B R I T A I N.

C H A P. II.

**M**ONARCHY is as ancient as Man, *Adam* being created Sovereign Lord of the Universe, whose Office was to govern the whole World, and all Creatures therein. His Posterity (after his Death) dividing into Tribes and Generations, acknowledged no other Dominion than Paternity and Elderthip. The Fathers of *Nations* were instead of Kings, and the Eldest Sons in every Family were revered as Princes, from whence came the Word *Seignior* amongst the *Italians* and *French*, and *Seignories* for Lordship and Dominion; of which *Seneca* makes two kinds, *viz. Potestas aut Imperium*, Power or Command, & *Proprietas aut Dominium*, Property or Dominion.

These Empires in the Golden Age were founded upon natural Reverency and Piety; their Power was executed with the soft Weapons of paternal Perswasions, and the greatest Penalties that

they inflicted upon the most Capital Criminals was the Malediction of their Primogenitors, with an Excommunication out of the Tribes: But as Men and Vice began to increase, Pride and evil Examples overshadowed Filial Obedience, and Violence entred upon the Stage of the World, the mighty Men trusting in their own Strength, oppressed the Feeble, and were at length forced to truckle under the Tyranny of others more Gyantick than themselves, which necessitated them to submit to Government for Self-preservation, many Households conjoyning made a Village, many Villages a City, and these Cities and Citizens confederating, established Laws by consent, which in tract of time were called *Commonwealths*; some being governed by Kings, some by Magistrates, and some so unfortunate as to fall under the Yoke, of a popular Rule, *Nam Plebs est pessimus Tyrannus*.



The first Chiefs or Kings were Men of Vertue, elected for their Wisdom and Courage, being both *Reges & Duces*, to govern according to their Laws in Peace, and to lead them forth to Battel against their Enemies in Time of Hostility. And this Rule proving more safe for the People, honourable amongst Men, and firmer in it self than the other, most Nations followed it, approving the Sentence of *Tacitus*, *Præstat sub Principo malo esse quam nullo*. Lamentable Experience, the Mistress of Fools in some, and of Wisdom in others, in the Ages sequent necessitated them again to quit the Form of Election, and to entail the Sovereign Power in the Hereditary Loyns of their Kings, to prevent the fatal Consequence of Ambition amongst equal Pretenders in popular Elections.

Thus the Beginning of an Empire is ascribed to Reason and Necessity; but 'twas God himself that illuminated the Minds of Men, and let them see they could not subsist without a Supream in their human Affairs. *Neccitas est firmum judicium & immutabilis providentia potestas*.

This Island of *Great-Britain*, when Barbarism was so happy as to submit to a Regal Power (as *Cæsar* in his Commentaries witnesseth) then divided into many Kingdoms; under which Government of Kings (with some small Alterations, according to the Necessity of Times and Pleasure of Conquerors, it hath flourished, descending from the *British, Saxon, Danish, Norman* and *Scots* Kings, to our gracious Sovereign *George*; into whose Veins all those several Streams of Royal Blood are conjoynd to unite those jarring Nations into one Body, under a Head, unto which each one may justly claim an Interest.

God hath thus restored our ancient Government, and seated our Sovereign in the Throne of his Ancestors, giving him a Power just and absolute, as well to preserve as curb his People, being not only *Major singulis*, but *Major universis*; and his Power is *super totam Rempublicam*, which I thus prove: Either the whole Power of the Commonwealth is in one, or not; if not, then he is no absolute King or Monarch; but if he be (as all must yield) a Monarch, I ask if there be a Power in the Commonwealth which is not in him? Is it subordinate to his Power, or not? If subordinate, than his Power is above that Power, and so *super totam Republicam & Major universis*; if it be not, then there are a *simul & semel* to Supream Civil Powers in the same individual Kingdom and Gubernation, and yet divided against it self, which is most absurd and impossible. This in answer to a monstrous Pamphlet, which the Lasciviousness of our late unhappy Wars produced, which asserted *Rex minor universis*. But the Divine Providence hath (I hope) put a Period to all such Trayterous Tenets, and concluded such Disputes by Acts of Parliament; so that no Person for the future shall dare to question who hath the Right of making Peace or War, the Power of Militia by Land and Sea, all strong Holds and Forts, &c. being the inherent Right of the *English Monarchs* by their Prerogative Royal.

' The King is so call'd, from Chamberlayn's pre-  
sent State, p. 74. the Saxon Word *Koning* or *Cyn-  
ing*, from *Can*, intimating Power; or *Ken*,  
' Knowledge, where with every Sovereign should  
' especially be invested.

' The Title anciently of the Saxon King *El-  
gar* was *Anglorum Basileus & Dominus quatuor  
' Marium*, King or Emperor of the *English*, and  
' Lord of the four Seas, viz. The *British, Ger-  
' man, Irish* and *Deucalidonian* Seas: *Sive An-  
' glorum Basileus omniumque Regum, Insularum,  
' Oceanique Britanniam circumjacentis, cuncta-  
' rumque Nationum que infra eam includuntur,  
' Imperator & Dominus*.

' The Modern Title more modest, is *Dei Gra-  
tia* of England, Scotland, France and Ireland,  
' King, Defender of the Faith.

' *Defender of the Faith*, was anciently used  
' by the Kings of England, as appears by several  
' Charters granted to the Univer-  
' sity of \* *Oxford*; but in the \* Dr Crakenthorp  
against the Archbi-  
shop of Spalato. Year 1521, more particularly  
' affix'd by a Bull from Pope

' *Leo X.* for a Book written by *Henry VIII.*  
' against *Luther*, in Defence of some Points of  
' the *Romish* Religion, but since continued by  
' Act of Parliament, for Defence of the Ancient,  
' Catholick, and Apostolick Faith. By Act of  
' Parliament he is also declared supream Head of  
' the Church of England

' *Promigenitus Ecclesiæ* belongs to the Kings of  
' England, because their Predecessor *Lucius* was  
' the first King in the World that embraced Chri-  
' stianity.

' *Christianissimus*, was by the *Lateran* Council  
' under Pope *Julius II.* conferr'd on the Kings of  
' England in the 5th Year of *Henry VIII.* tho'  
' before used by *Henry VII.* and since only by  
' the *French* King.

' The Title of *Grace* was first given to the  
' King about the Time of *Henry IV.*; to *Hen-  
' ry VI.* Excellent *Grace*; to *Edward IV.* High  
' and Mighty Prince; to *Henry VII.* sometimes  
' *Grace*, and sometimes *Highness*; to *Henry VIII.*  
' first *Highness*, then *Majesty*; and now *Sacred  
' Majesty*, after the Custom of the *Eastern* Em-  
' perors that used *Ἀγία Βασιλεία*.

' The King of England, in his publick Instru-  
' ments and Letters, styles himself *Nos, We*, in  
' the plural Number. Before King *John's* time,  
' Kings used the singular Number; which Custom  
' is still seen in the end of Writs, *Telle me ipso  
' apud Westm.*

' In speaking to the King is used often (besides  
' *Your Majesty*) *Sir*, from *Cyr*, in the *Greek* Ke, an  
' abbreviation of *Κοζα*, *Dominus*, much used  
' to the *Greek* Emperors, or perhaps more truly  
' from the *Gothick, Sibor, Lord*; but *Syr*, or  
' *Sir, Domine*, is now in England become the  
' ordinary Word to all the better Rank, even  
' from the King to the Gentleman. It was anti-  
' quently in England given to *Lords*, afterwards to  
' *Knights*, and to *Clergy-men*, prefixed before their  
' Christian Names; now in that manner only



to *Baronets*, and *Knights of the Bath*, *Knights Batchelors*, and *Batchelors of Arts* in both the *Universities*; yet in *France*, *Sire*, is reserved only for their King.

It is the manner also for Kings to write in the plural Number (which is God's own Style) *Mandamus*, *Volumus*, &c. and in the Scripture we find them called *Gods*, in which Sense they may be stiled *Divi*, or *Dii*, *quia Dei Vicarii*, & *Dei voce judicant*.

Our Lawyers also say, *Rex est persona mixta cum Sacerdote, habet Ecclesiasticam & Spiritualem Jurisdictionem*. This shews the King's Power in Ecclesiastical Causes, being anointed with Oil as the Priests, and afterwards the Kings of *Israel* were; which signifies his Person to be both Sacred and Spiritual. And therefore at the Coronation hath put upon him a Priest's Garment, called the *Dalmatica*, or *Colobium*, and other such Vests. And before the Reformation, the King, as a Spiritual Person, received the Sacrament in both kinds. He is capable of holding Tithes; all Extra-Parochial Tithes, some Proxies, and other Spiritual Profits belong to the King.

The Ceremonies at the Coronation of the King are many, and with us in *England* more than in many other Countries: As the Anointing with Oil, which is proved by Mr. *Selden* to be of above one thousand Years standing; the Crown set upon his Head with many Religious Ceremonies: Besides the Ensigns of Regality, which are a Ring to signify his Faithfulness; a Bracelet for good Works; a Scepter for Justice; a Sword for Vengeance; Purple Robes to attract Reverence; and a Diadem triumphant to blazon his Glory.

It was the saying of *Thomas Becket*, Archbishop of *Canterbury*, *Inunguntur Reges in Capite, etiam pectore & brachiis, quod significat gloriam, sanctitatem & fortitudinem*. Kings are Anointed on the Head to signify their Glory, on the Breast to emblemize their Sanctity, and on their Arms to declare their Power.

He is crowned with an Imperial Crown, the Crown set on his Head by the Archbishop of *Canterbury*; a Prerogative belonging to that See, as it is in *Spain* to *Toledo*, in *France* to *Rheims*, and in *Sweden* to *Upsalia*.

But this Imperial Crown hath not been long in use amongst us (though our Kings have had Imperial Commands, as over *Scotland*, *Ireland*, *Man*, and other Isles) being in a manner like that of an Earls now. Neither is it found that any such thing as a Diadem was at all in use, until the time of *Constantine* the Great: For before the Distinction was some kind of Chaplet, or rather a white Silk Fillet about the Head, which was an ordinary way to distinguish them. And we read that *Alexander* the Great took off his white Diadem to cure the madness of *Selenus*.

The first King that was crowned with this Imperial Crown floried and arched, was *Henry* the Third, but some say *Henry* the First, and indeed it is left in dispute. However, it is very probable and plain, That the ancientest Ensign of Regal Authority was the Scepter, which is every where

spoken of, both in Scripture and prophane History.

There is another Ensign of their Authority, which is a Globe or Mound with a Crois, which hath been in use amongst us ever since *Edward* the Confessor's Time, which is placed in the left Hand, as is seen in most of their Coins: The Crois denoting his Faith, the Globe his Empire by Sea and Land; as 'tis said of *Justinian* the Emperor, who was the first that ever used it.

The King is God's Vicegerent, and ought to be obeyed accordingly: If Good, he is a Blessing; if Bad, a Judgment: And then against whom we are to use no other Weapons but Prayers and Fears for his Amendment. He is stiled *Pater Patrie*, & *Caput Reipublice*: And because the Protection of his Subjects belongs to his Care and Office, the Militia is annex to his Crown, that the Sword as well as the Scepter, may be in his Hand. The Parliament (then *Roman* Catholicks) in the behalf of *Henry* the Eighth writ to the Pope, declaring that his Royal Majesty is the Head, and the very Soul of us all; his Cause is the Cause of us all, derived from the Head upon the Members; his Grievs and Injuries are ours, we all suffer equally with him. *Camden* in his *Britannia*, fol. 100. calls the King the most excellent part of the Commonwealth, next unto God. He is under no Vassuage; he takes his Investure from no Man. *Rex non habet Superiorem, nisi Deum: satis habet ad pœnam, quod Deum expectat ultorem*.

The King being *Principium, Caput, & Finis Parliamenti*, may of his meer Will and Pleasure Convoke, Adjourn, Remove, and Dissolve Parliaments: He may, to any Bill that is passed by both Houses of Parliament, refuse to give his Royal Assent\*, without rendring a Reason; and without his Assent a Bill is as a Body without a Soul: He may at his pleasure encrease the Number of the Members of both Houses, by creating more Peers of the Realm, and bestowing Priviledges upon any other Towns to send Burgesses by Writ to Parliament: And he may refuse to send his Writ to some others that have sat in former Parliaments. Yet this Branch of his Prerogative seems to be given up by our late Kings, and therefore it was thought necessary that the Legislative Power should intervene, to enable *Durham* to send its Representatives to Parliament in the time of *K. Charles II.* He hath alone the choice and nomination of all Commanders and Officers for Land and Sea-service; the choice and election of all Magistrates, Counsellors, and Officers of State; of all Bishops, and other Ecclesiastick Dignities; also the bestowing and conferring of Honours, and the power of determining Rewards and Punishments.

By Letters Patent his Majesty may erect new Counties, Universities, Bishopricks, Cities, Boroughs, Colleges, Hospitals, Schools, Fairs, Markets, Courts of Judicature, Forests, Chases, Free Warrens, &c.

The King is enabled to perform this great and weighty Office by certain extraordinary Powers and Priviledges which he holds by the Law of Nations, by the Common Law of *England*, or by Statutes. The *Regalia* were anciently called *Sacra Sacrorum* (as his Lands are called in Law

\* Chamberlayne's  
Present State, Edit.  
An. 1707. p. 19.



*Patrimonium Sacrum*) now commonly *Royal Prerogatives*.

The King by his Prerogative hath power to enfranchise an Alien, and make him a Denison, whereby he is enabled to purchase Lands and Houses, and to bear Offices. He hath the Power to grant Letters of Mart or Reprisals; to grant safe Conducts, &c. He hath at all times had the right of Purveyance or Pre-emption of all sorts of Victuals within the Verge, *viz.* twelve Miles round of the Court; and to take Horses, Carts, Ships, or Boats, for the Carriage of his Goods, at reasonable Rates. Also by Proclamation, to set reasonable Rates and Prices upon Flesh, Fish, Fowl, Oats, Hay, &c. sold within the limits of the Verge of the Court in the time of his Progress.

Debts due to the King, are in the first place to be satisfied in case of Executorship and Administratorship; and until the King's Debts be satisfied, he may protect the Debtor from the Arrest of other Creditors. He may distrein for the whole Rent upon one Tenant that holdeth not the whole Land: He may require the Ancestors Debt of the Heir, though not especially bound: He is not obliged to demand his Rent according to the Custom of Landlords: He may distrein where he pleaseth, and sue in any of his Courts.

No Proclamation can be made but by the King. No Protection for a Defendant to obstruct the course of the Law against him, if he be not one of his Majesty's Menial Servants.

In case of loss by Fire, or otherwise, his Majesty granteth Patents to receive the Charitable Benevolences of the People.

No Forest, Chase, or Park to be made, nor Castle, Fort, or Tower to be built without his Majesty's especial Licence.

Where the King hath granted a Fair, with Toll to be paid, yet his Goods shall be there exempted from the said Duties of Toll.

His Servants in Ordinary are privileged from serving in any Offices that require their Attendance; as Sheriff, Constable, Churchwarden, or the like.

All Receivers of Money for the King, or Accountants to him for any of his Revenues, their Persons, Lands, Goods, Heirs, Executors, and Administrators, are at all times chargeable for the same: For *Nullum tempus occurrit Regi*.

His Debtor hath a kind of Prerogative Remedy by a *Quo minus* in the *Exchequer* against all other Debtors, or against whom they have any cause of personal Action; supposing that he is thereby disabled to pay the King: And in this Suit the King's Debtor being Plaintiff, hath some Privileges above others.

In doubtful Cases *semper præsumitur pro Rege*, no Statute restraineth the King, except he be especially named therein. The Quality of his Person alters the descent of Gavelkind, the Rules of joyn't Tenancy: No Estoppel can bind him, nor Judgment final in a Writ of Right. Judgments entered against the King's Title, are entered with *Salvo Jure Domini Regis*. That if at any time the King's Counsel at Law can make out his Title

better, that Judgment shall not prejudice him, which is not permitted the Subject.

The King by his Prerogative may demand reasonable Aid-money of his Subjects, for the Knighting his eldest Son at the Age of Fifteen Years; and to marry his eldest Daughter at the Age of 7 Years; which Aid is 20 s. for every Knight's Fee, and as much for every 20 l. *per Annum* in Soccage. Moreover, if the King be taken Prisoner, Aid-money is to be paid by the Subjects for his Redemption.

The King upon reasonable Causes him thereunto moving, may protect any of his Subjects from Suits of Law, &c.

In all Cases where the King is party, his Officers with an Arrest by force of a Process at Law, may enter and (if any entrance be denied) may break open the House of any Man by force.

A Benefice, or Spiritual Living, is not full against the King by Institution only, without Induction, although it be so against a Subject.

None but the King can hold Plea of false Judgments in the Courts of his Tenants.

The King by his Prerogative is *Summus Regni Custos*, and hath the Custody of the Persons and Estates of such, as for want of Understanding cannot govern themselves, or serve the King; that of Ideots to his own use, and that of Lunatics to the use of the next Heir: So the Custody or Wardships of all such Infants, whose Ancestors held their Lands by Tenure *in Capite*, or Knights Service, were ever since the Conquest in the King, to the great honour and benefit of the King and Kingdom: But Abuses, which too often happened, made the People complain thereof, which was the cause of its laying aside.

His Majesty is *Ultimus Hares Regni*, and is (as the great Ocean is of small Rivers) the Receptacle of all Estates for want of Heirs, or by Forfeiture, Revert or Escheat to the King. All Spiritual Benefices, for want of Presentation in due time by the Bishop, are elapsed to the King. All Treasure Trove (that is Money, or Gold and Silver Plate, or Bullion found, and the Owners unknown) belongs to the King: So doth all Waifs, Strays, Wrecks, not granted away by him, or any former Kings. All waste Ground or Land recovered from the Sea: All Lands of Aliens dying before Naturalization or Denization, and all other things whereof the Property is not known: All Gold and Silver Mines, in whole Ground soever they are found: Royal Fish, as Whales, Sturgeons, Dolphins, &c. Royal Fowl, as Swans not mark't, and swimming at Liberty on the River, belong to the King.

In the Church the King's Prerogative and Power is extraordinary great: He only hath the Patronage of all Bishopricks; none can be chosen but by his *Conge d'Esire*, whom he hath first nominated; none can be consecrated Bishop, or take possession of the Revenues of the Bishoprick, without the King's special Writ or Assent. He is Guardian or Nursling Father of the Church, which our Kings of *England* did so reckon amongst their principal Cares; as in the three and twentieth Year of King *Edward* the First, it was alleged in a plead-



a pleading, and allowed : The King hath power to call a National or Provincial Synod ; and with the Advice and Consent thereof to make Canons, Orders, Ordinances and Constitutions to introduce into the Church what Ceremonies he shall think fit ; to reform and correct all Heresies, Schisms, and punish Contempts, &c.

The King hath Power not only to unite, consolidate, separate, enlarge, or contract the Limits of any old Bishoprick, or other Ecclesiastical Benefice : But also by his Letters Patents may erect new Bishopricks, as *Henry* the Eighth did Six at one time, and the late King *Charles* the Martyr intended to do at *St. Albans* for the Honour of the first Martyr of *England*, and for the contracting the too large Extent of the Bishoprick of *Lincoln*.

In the 29. of *Eliz.* when the House of Commons would have passed Bills touching Bishops, granting Faculties, conferring Holy Orders, Ecclesiastical Censures, the Oath *Ex Officio*, Non-Residency, &c. The Queen being much incensed, forbade them to meddle in any Ecclesiastical Affairs, for that it belonged to her Prerogative.

His Majesty hath also power of Coinage of Money, of pardoning all Criminals, of dispensing with all Statutes made by him, or his Predecessors, which are *Malum prohibitum*, and not *Malum in se*. The Diversity between these Terms is set down in the Statute made *Term Mich. Anno 11. H. 7. 11.* Thus where the Statute doth prohibit a Man to coin Money, if he do, he shall be hanged ; this is *Malum prohibitum* : For before the said Statute it was lawful, but not after ; and for this Evil the King may dispense : But *Malum in se* neither the King nor any other can dispense with. As if the King would give leave to rob on the High-ways, &c. this is void ; yet after the Fact done, the King may pardon it. So it is in Ecclesiastical Laws for conformity to the Liturgy, &c. which are *Malum prohibitum* ; and the King may by his Prerogative Royal as well dispense with all those penal Statutes, as with Merchants to transport Silver, Wool, and other prohibited Commodities by Act of Parliament.

Chamberlayne's  
Prison State.

Some of these Prerogatives, especially those that relate to Justice and Peace, are so essential to Royalty, that they are for ever inherent in the Crown, and make the Crown ; they are like the Sun-beams in the Sun, and as inseparable from it : And therefore it hath been held by some great Lawyers, That a Prerogative in point of Government, cannot be restrained, or bound by Act of Parliament, but it is unalterable as the Laws of the *Alees* and *Persians* : Wherefore the *Lords* and *Commons* (*Rot. Parl. 42 Eliz. 3. Numb. 7.*) declared, that they could not assent in Parliament to any thing that tended to the Disberison of the King and the Crown, whereunto they were sworn ; no tho' the King should desire it. And every King of *England*, as he is Debtor Justice to his People, so he is in Conscience obliged to defend and maintain all the Rights of the Crown in pos-

session ; and when any King hath not religiously observed his Duty in this Point, it hath proved of very dreadful Consequence. As on the other side, it much concerns every King of *England* to be very careful of the Subjects just Liberties, according to the Golden Rule of the best of Kings, *Charles* the First, that the King's Prerogative is to defend the People's Liberties, and the Peoples Liberties to strengthen the King's Prerogative.

The Laws of *England* looking upon the King as *God's Vicegerent* upon Earth, do attribute unto him divers Excellencies not belonging to other Men : So the Law will have no Imperfection found in the King ; as, no Injustice, no Error, no Negligence or Laches, no Infamy, no Stain or Corruption of Blood ; for by taking of the Crown, all former, tho' just Attainder, (and such Attainder made by Act of Parliament) is *ipso facto* purged. No Nonage or Minority ; for his Grant of Lands, though held in his Natural, not Politick Capacity, cannot be avoided by Nonage. Higher than this, the Law attributeth a kind of Perpetuity, not to say Immortality, to the King, *Rex Angliæ non moritur* ; his Death is by the Law termed the Demise of the King, because thereby the Kingdom is demised to another. He is said not to be subject to Death, because he is a Corporation of himself, that liveth for ever, all *Interregna* being in *England* unknown ; the same Moment that one King dies, the next Heir is King fully and absolutely, without any Coronation, Ceremony, or act to be done, *ex post facto*.

Moreover the Law seemeth to attribute to the King a certain Ubiquity ; that the King is in a manner every where, in all his Courts of Justice ; and therefore cannot be Non-suited, (as Lawyers speak.)

And yet there are some things that the King of *England* cannot do. *Rex Angliæ nihil injussu potest*, and the King cannot divest himself, or his Successors, of any part of his Regal Power, Prerogative and Authority, inherent and annex'd to the Crown ; nor bar his Heir of the Succession, no not by Act of Parliament ; for such an Act is void by Law.

There is also divers things which the King cannot do, *Salvo Jure, Salvo Juramento, & Salva Conscientia sua* ; because by an Oath at his Coronation, and indeed, without any Oath by the Law of Nature, Nations, and of Christianity, he holds himself bound (as do all other Christian Kings) to protect and defend his People, to do Justice, and to shew Mercy, to preserve Peace and Quietness among them ; to allow them their just Rights and Liberties ; to consent to the Repealing of bad Laws, and to the Enactting of good. Two things especially the King of *England* cannot do without the Consent of both Houses of Parliament, viz. make New Laws, and raise New Taxes, there being something of Odium in both of them, the one seeming to diminish the Subjects Liberty, and



the other to infringe his *Property*: Therefore, that all Occasion of Disaffection towards the King (*the Breath of our Nostrils, and the Light of our Eyes*, as he is stiled in Holy Scriptures) might be avoided, it was wisely contrived by our Ancestors, that for both these, should *Petitions and Supplications* be first made by the Subject.

If the King of *England* be in any Foreign Nation, he may try any of his offending Domesticks by the *Laws of England*, saith *Fleta*; as in the Case of *Engelrum* of *Nogent* in *France*, and of *Manning*, whom King *Charles II.* caus'd to be try'd, and executed in the Duke of *New-burgh's* Territories in *Germany*.

These, and divers other *Prerogatives*, rightfully belong, and are enjoy'd by the King of *England*.

The ancient *Dominions* of the Kings of *England*, were first *England*, and all the Seas round about *Great Britain* and *Ireland*, and all the *Isles* adjacent, even to the Shores of all the Neighbouring Nations; and our Law saith, *The Sea is of the Leigeance of the King, as well as the Land*; and as a Mark thereof all Ships of Foreigners have anciently demanded Leave to *Enter*, and pass in these Seas; and do at this Day lower their *Top-sails* to all the King's Ships of War; and therefore Children born upon those Seas (as it sometimes hath happened) are accounted *natural* born Subjects to the King of *England*, and need no *Naturalization*, as others born out of his *Dominions*.

To *England*, *Henry* the First annexed *Normandy*, and *Henry* the Second *Ireland*, being stiled only Lord of *Ireland*, till the three and thirtieth of *Henry* the Eighth, although they had all *Kingly Jurisdiction* before.

*Henry* the Second also annexed the Dukedom of *Guyenne* and *Anjou*, the Counties of *Poitou*, *Tourain*, and *Mayne*; *Edward* the First all *Wales*, and *Edward* the Third the Right, tho' not the Possession, of all *France*, but *Henry* the Fifth added both, and his Son *Henry* the Sixth was Crown'd and Recogniz'd by all the States of the Realm at *Paris*.

King *James* the First added *Scotland*, and since that time there have been superadded sundry considerable Plantations in *America*.

The *Dominions* of the King of *England* at this Day in Possession, are *Great Britain* and *Ireland*, and all the Seas adjacent. Moreover, the *Islands* of *Jersey*, *Guernsey*, *Aldernay* and *Sark*, which are Parcel of the *Dutchy* of *Normandy*, besides those profitable Plantations of *New-England*, *New-York*, *East* and *West Jersey*, *Pensylvania*, *Maryland*, *Virginia*, *Barbadoes*, *Jamaica*, *Florida*, *North* and *South Carolina*, *Bermudoss*, with several other *Isles* and Places in those Quarters, and some in the *East-Indies*, and upon the Coast of *Africa*; also upon the North Parts of *America*, by Right of first Discovery; to *Esotiland*, *Terra Corterialis*, *New-found-land*, and to *Guiana* in the South, the

King of *England* hath a *Legal Right*, tho' not Possession of the whole.

The mighty Power of the King of *England*, before the Conjunction of *Scotland*, and total Subjection of *Ireland*, which were usually at Enmity with him, was notoriously known to the World, and sufficiently felt by our Neighbour-Nations. What his Strength hath been since, was never fully try'd in the four late Reigns; but since the happy Revolution, that the Parliaments of all the Three Kingdoms seemed to vie which should most readily comply with their Sovereign's Desires and Designs, all *Europe* begins to be sensible how great the Power of this Monarch is. And let our Sovereign be consider'd abstractly as King only of *England*, which is like a huge Fortrefs, or garrison'd Town, fenced, not only with strong Works, and a wide and deep Ditch the Sea, but guard-ed also with excellent Out-works, the strongest and best built Ships of War in the World; then so abundantly furnish'd with Men and Horses, with Victuals and Amunition, with Cloaths and Money, that if all the Potentates of *Europe* should conspire (which God forbid) they could hardly distress it, provided it be at Unity in it self.

This for the *Defensive* Strength of the King of *England*; now for his *Offensive*. How formidable must he be to the World, when they shall understand that a King of *England* is well able, when-ever he is willing, to raise of *English* Foot 200000, and of *English* Horse fifty Thousand (for so many, during the late Rebellion, 1643, were computed to be in Arms on both Sides) yet (which is admirable) scarce any miss of them in any City, Town or Village. And when they shall consider the Valiant and Martial Spirit of the *English*, their natural Agility of Body, their Patience, Hardiness and Stedfastness is such, and their Fear of Death so little, that no Neighbour-Nation, upon equal Number and Terms, scarce ever durst abide Battle with them, either at Sea or Land: When they shall consider, that for Transporting of any Army, the King of *England* hath at Command two hundred excellent Ships of War, and can hire two hundred stout *English* Merchant Ships, little inferiour to Ships of War; that he can soon Man the same with the best Sea-Soldiers in the whole World. And that for maintaining such a mighty Fleet, sufficient Money for a competent Time, may be rais'd only by a Land-Tax; and for a long time, by a moderate Excise, and that upon such Commodities only as naturally occasion Excess or Luxury, Wantonness, Idleness, Pride, or Corruption of Manners.

When they consider that the Shipping of *England* was computed lately by the most ingenious Sir *William Petty* at six hundred thousand Tun, all which, with forty thousand stout and skilful Mariners, are wholly at the King's Service when he shall think fit, for the safety of his Crown



• Crown and Dominions, to require, or if need be, impress 'em.

• In a Word, when they shall consider, that by the most commodious and advantageous Situation of *England*, the King thereof (if he be not wanting to himself, or his Subjects wanting to him) must be Master of the Sea; and that as on Land, whosoever is Master of the Field is also said to be Master of every Town when it shall please him; so he that is Master of the Sea, may be said, in some sort, to be Master of every Country, at least bordering upon the Sea; for he is at Liberty to begin or end War, where, when, and upon what Terms he pleaseth, and to extend his Conquests even to the *Antipodes*.

• King *William* the Conqueror getting by Right of Conquest, (as some affirm) all the Lands of his Opposers (except Lands belonging to the Church, to Monasteries, and Religious Houses) into his own Hands in *Demefn*, as Lawyers speak, soon bestowed amongst his Followers a Part thereof, reserving some Retribution of Rents, or Services, or both, to him and his Heirs, Kings of *England*; which Reservation is now as it was before the Conquest, called the Tenure of Lands, the rest he reserved to himself in *Demefn*, called *Corona Regis Dominica*, *Demains*, and *Sacra Patrimonia*, *Prædium Domini Regis*, *Directum Dominium*, *cujus nullus est Author nisi Deus*: All other Lands in *England* being held now of some Superior, depend mediately, or immediately on the Crown; so that the King is Lord Paramount, Supreme Landlord of all the Lands in *England*; and all landed Men are mediately or immediately his Tenants by some Tenure or other; but the Lands possess'd by the Crown, being held of none, can *escheat* to none; being *Sacred* cannot become *Prophane*, are, or should be permanent and unalienable. And yet they have been (by Time, the Gift and Bounty of our Kings, and some Necessities for the Preservation of the Weir Publick) much alienated. However there is yet left, or was lately, almost in every County in *England*, a *Forest*, a *Park*, a *Castle*, or *Royal Palace* belonging to the King; and in divers Counties there are many *Parks*, *Castles* or *Palaces*, and *Forests* still belonging to the King, to receive and divert him, when he shall please in his Royal Progresses to visit those Parts: A Grandeur not to be parallell'd perhaps by any King in the whole World.

• The certain *Revenues* of the King of *England* were anciently greater than of any King in *Europe*, they enjoying in *Demains* and *Fee Farm Rents*, almost enough to discharge all the ordinary Expences of the Crown, without any Tax or Impost upon the Subject.

• Upon the happy Restauration of King *Charles* the Second, the Lords and Commons assembled in Parliament, finding the Crown-Revenues much alienated, and the Crown-Charges exceedingly encreased, by reason of the late vast

• Augmentation of the Revenues and Strength by Sea and Land, of our two next Neighbour-Nations abroad, did unanimously conclude, That for the Peace and Security, for the Wealth and Honour of the King and Kingdom, it would be necessary to settle upon his Majesty a yearly Revenue of Twelve hundred thousand Pounds; and accordingly, with the King's Consent, at the humble Request of the Lords and Commons, there was established by Imposts, upon imported and exported Goods, upon Liquors drank in *England*, and upon Fire Hearths; (which last Branch the late King *William* and Queen *Mary* of ever blessed Memory, were graciously pleased by Act of Parliament to remit) so much as was judged would bring up the former impaired Crown-Revenues to the said Sum. Notwithstanding which, the whole Yearly Revenues of the King of *England* was not then above the Tenth part of the Revenues of his Kingdom; whereas the King of *France* hath Yearly above One Hundred and Fifty Millions of *Livers*: That is, above Eleven Millions of Pounds *Sterling*, a fourth part of the whole Revenues of *France*. And the publick Revenue of the *United Netherlands*, coming all out of the Subjects Purses, are near Seven Millions of Pounds *Sterling*.

• The ordinary Charge of the Government in Times of serene and profound Peace, is estimated at Six hundred thousand Pounds *per Ann.* besides extraordinary Expences. And the Crown of *England* in late Times of Peace was as little in Debt, as perhaps any State of so great a consideration in the World; the greatest Debt upon it, was that which King *Charles* the Second contracted, by shutting up the *Exchequer*, whereby the Credit of that Bank hath sustained great damage, and many hundred of Families been almost undone; but the said Debt is now secured, and a perpetual Fund redeemable by Parliament, for an Interest at Three *per Cent.* has been settled by Law.

• In Consideration of these, and other transcendent Excellencies, no King in *Christendom*, nor other Potentate, receives from his Subjects more *Reverence*, *Honour*, and *Respect* than the King of *England*. All his People at their first Addresses kneel to him: He is at all Times served upon the Knee; all Persons (not the Prince or other Heir apparent excepted) stand bare in the Presence of the King, and in the Presence-Chamber, though in the King's Absence. Only it was once indulged by Queen *Mary* the First, for some eminent Services perform'd by *Henry Ratcliff*, Earl of *Suffex*, that (by Patent) he might at any time be covered in her Presence; but perhaps in Imitation of the like Liberty allowed by King *Philip* her Husband, and other Kings of *Spain* at this Day, to some of the principal Nobility, there called *Grandees* of *Spain*.

• Any Thing or Act done in the King's Presence, is presumed to be void of all *Deceit* and *evil Meaning*; and therefore a *Fine* levied in

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the King's Court, where the King is presumed to be present, doth bind a *Feme Covert*, a married Woman, and others, whom ordinarily the Law doth disable to transact.

The King's only Testimony of any thing done in his Presence, is of as high a Nature and Credit, as any *Record*; and in all Writs sent forth for the Dispatch of Justice, he useth no other Witness but himself, *viz. Teste meipso*.

The King of *England* acknowledgeth no Superior but God alone; not the Emperor, *Omnem potestatem Rex Angliæ in Regno suo quam Imperator vindicat in Imperio*; yet he giveth Precedency to the Emperor, *Ex quo antiquitate Imperium omnia regna superare creditur*.

Touching our King's Supremacy before any other, these Reasons are offered; First, *Lucius*, King of this Land, was the first Christian King in the World; as also *Constantine* our Country-man the first Emperor that publicly planted Christianity. Secondly, The King of *England* is anointed as no other King is, but *France*, *Sicily*, and *Jerusalem*. Thirdly, He is crowned, which Honour the Kings of *Spain*, *Portugal*, *Navarr*, and divers other Princes have not.

The Honour of Precedency amongst Christian Kings is often disputed by their Ambassadors and Commissioners representative at General Councils, Diets, publick Treaties, and other Honourable Assemblies at Coronations, Congratulations in Foreign Countries, &c. which by the best Information I can get is thus stated: As to *England*, next to the Imperial Ministers, the *French* take place, as being the largest Realm in Christendom, and most Noble, since *Charles le Mayne*, their King, obtained the Imperial Diadem; the second place in the Western Empire was undisputably the right of our *English* Kings, so enjoyed for hundreds of Years, till *Spain* grown rich and proud by the addition of the *Indies*, claimed the priority, yet could not gain it till their *Charles* the Fifth was elected Emperor; but after his Resignation, the Controversie renewed upon the Treaty of Peace between Queen *Elizabeth* and *Philip* the Third, King of *Spain*, at *Boloign* in *France*, Anno 1600. Our Ambassadors were Sir *Henry Nevil*, *John Herbert*, and *Thomas Edmonds*, Esquires, and for *Spain*, *Baltazar de Coniga*, *Ferdinando Carrillo*, *Jos. Ricardett*, and *Lewis Varreyken*. The *English* challenged Precedency as due to them before the Emperor *Charles* his time, as doth appear by *Volaterran* in the time of our *Henry* the Seventh, when the like Difference being in question, 'twas joyntly referred to the Pope; who adjudged to *England* the most Honourable place: But the *Spaniards* refusing to stand to that old Award, or to admit of an equality, the Treaty of Peace broke up; neither hath any certain Resolution been hitherto taken in the matter, as ever I heard of.

Of the Sacred Person of the King, of the *Life and Safety* thereof, the Laws and Customs of *England* are so tender, that they have

made it *High-Treason* only to imagine or intend the Death of the King. And because by imagining, or conspiring the Death of the King's Counsellors, or Great Officers of his Household, the Destruction of the King hath thereby sometimes ensued, and is usually aimed at (such Stat. 3 Hen. 7.) that also was made Felony in such as were upon the Check-Roll, (as being the King's Household-Servants) to be punished with Death; altho' in all other Capital Cases, the Rule is, *Voluntas non reputatur pro facto*; and an *English man* may not in other Cases be punished with Death, unless the Act follow the Intent.

The Law of *England* hath so high Esteem of the King's Person, that to offend against those Persons, and those Things that represent his Sacred Person, as, to kill some of the Crown-Officers, or to kill any of the King's Judges executing their Office, or to counterfeit the King's Seals, or his Monies, is made *High-Treason*; because by all these the King's Person is represented: And *High-Treason* is in the Eye of the Law so horrid, that besides loss of Life and Honour, Real and Personal Estate of the Criminal, his Heirs also are to lose the same for ever, and to be ranked among the Peasantry and Ignoble, till the King shall please, by Act of Parliament to restore them. *Et enim tam grave crimen* (such *Bracton*) *ut ex permittatur hereditibus quo leviatur*. *High-Treason* is so grievous a Crime, that the Law not content with the Life and Estate, and Honour of the Criminal, can hardly endure to see his Heirs survive him.

And rather than *Treason* against the King's Person shall go unpunished, the Innocent in some Cases shall be punished: For if an Idiot, or Lunatick, (who cannot be said to have any Will, and so cannot offend) during his Idioty or Lunacy, shall kill or go about to kill the King, he shall be punished as a Traitor; and yet being *Non compos mentis*, the Law holds that he cannot commit Felony or Petit-Treason, nor other sorts of *High-Treason*.

Moreover, for the precious Regard of the Person of the King, by an ancient Record it is declared, That no *Physick* ought to be administered to him without good Warrant, this Warrant to be signed by the Advice of his Council; no other Physicians but what are mentioned in the Warrant, are to administer to him, the Physicians to prepare all things with their own Hands, and not by the Hands of any Apothecary, and to use the Assistance only of such Chirurgeons as are prescribed in the Warrant.

He is *Pater Patriæ*, Father of his Country: And so precious is the Person and Life of the King, that every Subject is obliged and bound by his Allegiance, to defend his Person in his Natural as well as Politick Capacity, with his own Life and Limbs; wherefore the Law saith, That the Life and Member of every Subject, is at the Service of the Sovereign.

The



• The Office of the King of *England*, in the  
 • Laws of King *Edward the Confessor*, is thus de-  
 • scribed, *Rex quia Vicarius summi Regis est, ad*  
 • *hoc constituitur ut Regnum Terrenum & popu-*  
 • *lum Domini, & super omnia sanctam Ecclesiam*  
 • *ejus veneretur, Regat, & ab injuriis defen-*  
 • *dat* : And (according to the learned *Fortescue*)  
 • it is, *Pugnare bella populi sui, & eos rectissime*  
 • *judicare*, to fight the Battels of his People, and  
 • to see Right and Justice done unto them.

• Or more particular, (as is promised at the  
 • Coronation) to preserve the Rights and Privi-  
 • leges of the Church and Clergy, the *Royal Pre-*  
 • *rogatives* belonging to the Crown, the Laws  
 • and Customs of the Realm, to do Justice, love  
 • Mercy, keep Peace and Unity, &c.

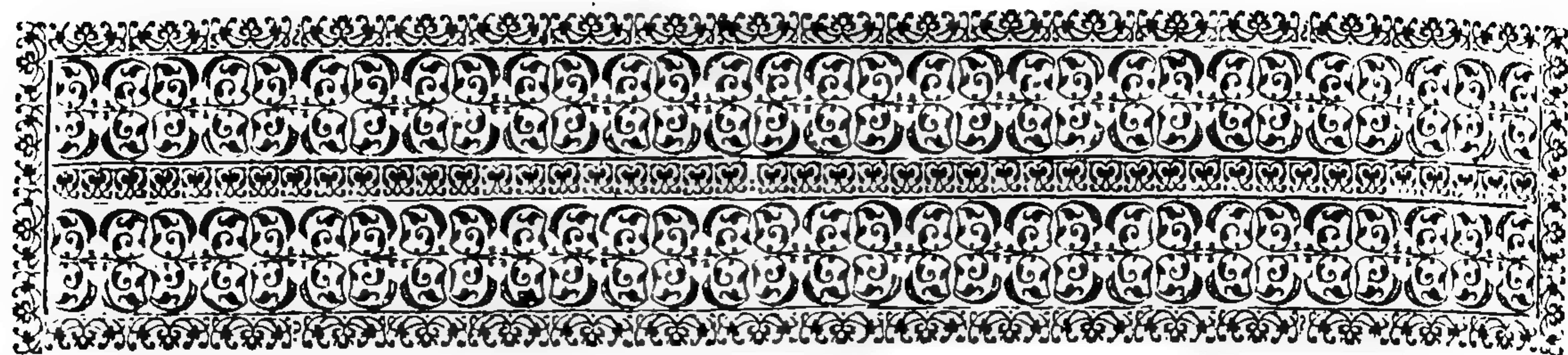
• As to the (asserted) Arms of the several *Bri-*  
 • *tish*, *Saxon*, and *Danish* Princes, who have born  
 • Sway in this Realm ; the Curious may find  
 • them in *Speed's Chronicle*, in *Heylin's Help to*  
 • *History*, and other Authors ; for my part, I  
 • shall give those of his present Majesty only,  
 • whose Blazon follows.

• The Atchievment or Sovereign Ensign Ar-  
 • morial of the most High and Mighty Monarch  
 • *George*, by the Grace of God of *Great Britain*,  
 • *France* and *Ireland* King, Defender of the Faith,  
 • Prince Electoral of *Brunswick Lunenburgh*, &c.  
 • is quarterly in the first grand Quarter *England*,  
 • viz. *Gules*, 3 *Lyons passant guardant*, *Or* ; im-  
 • paling *Scotland*, viz. *Or*, a *Lyon rampant*  
 • within a double *Tressure contré fleury Gules*.  
 • The second grand Quarter *France*, viz. *Azure*  
 • *three Fleurs de Lys*, *Or*. The third *Ireland*, viz.

• *Azure* an *Harp*, *Or* ; and in the fourth, *Brunf-*  
 • *wick*, that is *Gules*, two *Lyons passant guardant*  
 • *Or*, impal'd with *Lunenburgh*, viz. *Or semé of*  
 • *Hearts Gules*, a *Lyon rampant Azure*, having  
 • ancient *Saxony*, that is *Gules*, an *Horse sali-*  
 • *ant Argent*, *enté en point*, with a *Scotcheon sur-*  
 • *tout Gules*, charg'd with the Imperial Crown  
 • of *Charlemaign*, being the proper Badge of the  
 • Hereditary Treasurer of the sacred *Roman Em-*  
 • *pire*, all within a Garter, the Ensign of that  
 • most noble Order of Knighthood of which his  
 • Majesty is Chief. Above the same an *Helmet*,  
 • answerable to his Sovereign Jurisdiction, and  
 • thereon a *Mantle* of Cloth of Gold, doubled  
 • *Ermine* adorn'd with an Imperial Crown, sur-  
 • mounted on the Top for his Majesty's Crest by  
 • a *Lyon passant guardant*, *Or*, crown'd with a  
 • like Crown proper : Sustain'd on the dexter  
 • side with a *Lyon imperially crown'd*, *Gold*, as  
 • the proper Supporter of the *English* Ensign ; and  
 • on the left by an *Unicorn Argent*, gorg'd with a  
 • *Princely Crown* ; from which is a Chain turn'd  
 • over his Back, and between his Legs, *Gold*, of  
 • which Metal he is also hoof'd, main'd, and  
 • tuff'd, both standing upon a Compartment, orna-  
 • mented with a *Rose* and *Thistle proper*, being  
 • the Royal Badges of his Majesty's chief King-  
 • doms of *England* and *Scotland*, and inscribed  
 • (in a Scroll within) with His Majesty's Motto  
 • or Devise, *Viz. Dieu et mon droit*. Two Uni-  
 • corns were the Supporters of the *Scots* Kings,  
 • which upon our Union under King *James I.*  
 • gave Occasion for our carrying one of them on  
 • the sinister Side.







# OF THE PRINCE.

## CHAP. III.



HE King's Eldest Son and Heir apparent, from the Day of his Birth, is entituled Prince, of the Latin word, *quasi Principalis post Regem*.

The first that we read of in *England* was *Edward*, eldest Son to King *Henry* the Third, since which time the eldest Son of the King hath been by Patent, and other Ceremonies, created Prince of *Wales*, and Earl of *Chester* and *Flint*. By Patent also *Edward* the Third in the Eleventh Year of his Reign, added the Dukedom of *Cornwal* to the Principality of *Wales*; and *Anno Regni* 36. he makes his eldest Son *Edward* the Black Prince, Prince of *Aquitain*, for which he did Fealty and Homage at *Westminster*, *Sed tamen Principatum Walliæ, Ducatum Cornubiæ, Comitatum Cestrizæ & Cantii non reliquit. Walsing. fol. 172.*

Since the Union of *England* and *Scotland*, his Title hath been *Magnæ Britanniæ Princeps*, but ordinarily Prince of *Wales*. As eldest Son to the King of *Scotland*, he is Duke of *Rothsay*, and Seneschal of *Scotland* from his Birth: And so long as *Normandy* remained in the Possession of the English, he had always the Style of Duke of *Normandy*.

At his Creation he is presented before the King in Princely Robes, who putteth a Coronet upon his Head, a Ring on his middle Finger, a Verge of Gold in his Hand, and his Letters Patents after they are read.

His Mantle, which he wears in Parliament, is once more doubled upon the Shoulders than a Dukes, his Cap of State indented, and his Co-

ronet, formerly of Crosses and *Fleuer de Lys*, mixed. But since the happy Restauration of His Majesty it was solemnly ordered, that the Son and Heir apparent to the Crown of *England* shall bear his Coronet of Crosses and *Fleuer de Lys* with one Arch, and in the midst a Ball and Cross, as hath the Royal Diadem. That his Royal Highness the Duke of *York*, and all the immediate Sons and Brothers of the Kings of *England*, shall use, and bear their Coronets, composed of Crosses and *Fleuer de Lys* only: But all their Sons respectively, having the Title of Dukes, shall bear and use their Coronets composed of Leaves only, as the Coronets of Dukes not being of the Royal Blood.

*Note*, That by Order, not Creation, His Royal Highness *George*, our present King's Son, was admitted Prince of *Wales*, had the Principality with the Earldom of *Chester*, &c. confirmed to him by Patent, and is allowed to hold a Court apart from the Kings.

The Prince by the Common Law is reputed as the same Person with the King, and so declared by Statute *temp. Hen. VIII.* The Civilians say, The King's eldest Son, during his Father's Life, may be styled King by the Law of Nations, because of his so near Relation to the Crown, that if the Father die he is *ipso momento Rex*, though he be not crowned; a usual custom in *Spain*, and once allowed here to *Henry*, Son of King *Henry* the Second; yet he holdeth his Seignories and Principalities of the King, as Subject to him, and giveth the same respect to him as other Subjects do.





His Royal Highness  George Augustus  
Prince of Wales, &c. and Knight of the  
most Noble Order of the Garter





*The Achievement of  
His Royal Highness George Prince of Wales &c.  
Knight of the most Noble Order of the Garter.*

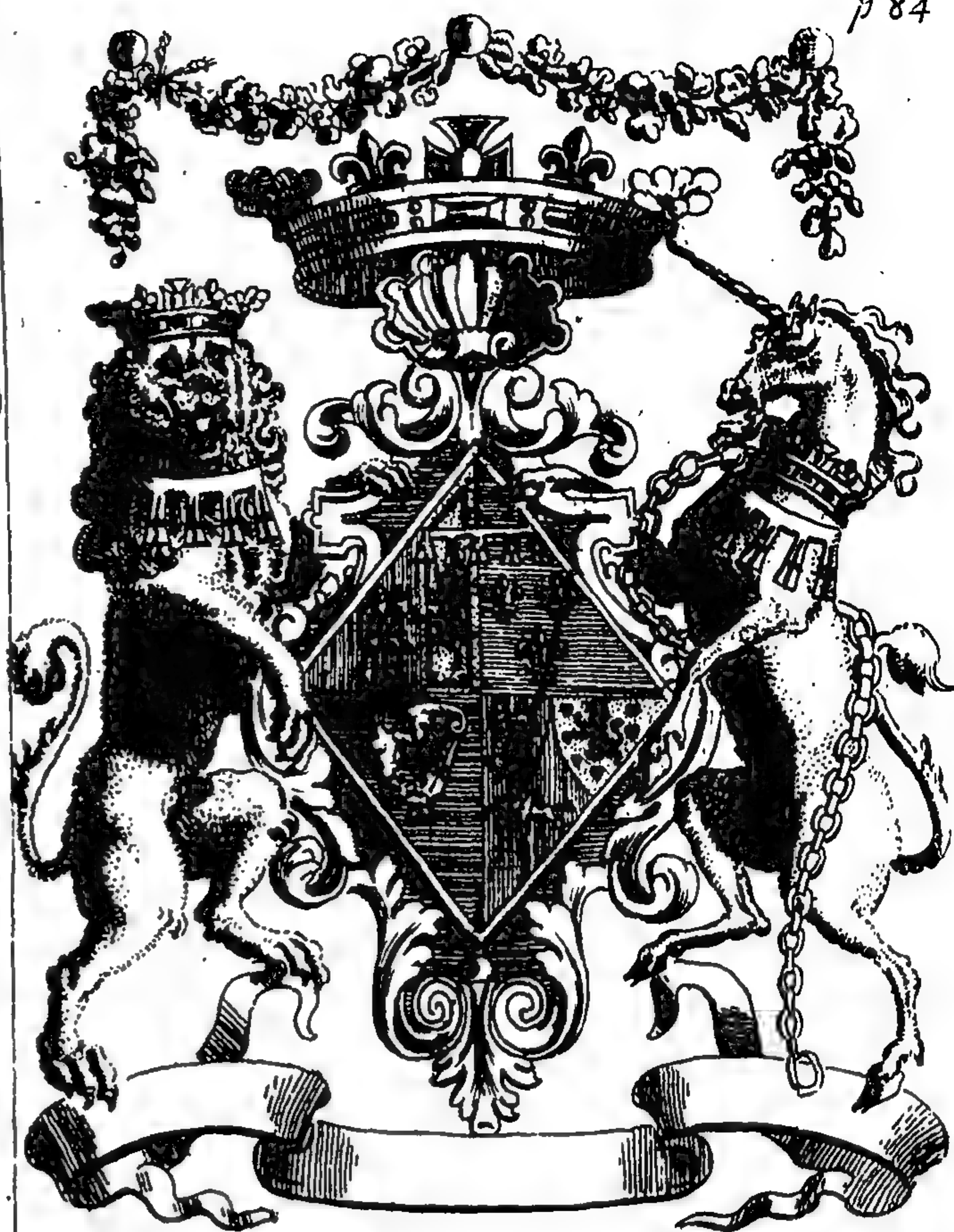


*The Achievement of  
His Royal Highness Ernest Duke of York &c. Bishop of Osnabrugh and  
Knight of the most Noble Order of the Garter.*





*The Achievement of  
His Highness Prince Frederick,  
Eldest Son of his Royal Highness George P.<sup>th</sup> of Wales &c.  
Knight of the most Noble Order of the Garter.*



*The Achievement of  
Her Highness the Princess Anne,  
Eldest Daught.<sup>r</sup> of his Royal Highness George P.<sup>th</sup> of Wales.*



*The Achievement of  
Her Highness Princess Amalia Sophia Eleanor,  
3<sup>rd</sup> Da. of his Royal Highness George P.<sup>th</sup> of Wales &c.*



*The Achievement of  
Her Highness Princess Elizabeth Carolina,  
3<sup>rd</sup> Da. of his Royal Highness George P.<sup>th</sup> of Wales &c.*



• The eldest Son of the King was styled in the Saxon Times, *Clito quasi Κλυτὸς illustris* : And so likewise *Ætheling* or *Atheling*, which is a Patronymick of the Saxon word *Athel*, *Nobilis* ; as *Eadgaring* was the Son of *Eadgar*, so

\* Chamberlayne's  
present State, p. 98.  
Edit. 1707.

*Atheling*, the Son of a Noble, was afterwards used only for the King's eldest \* Son.

He hath certain Privileges above other Persons : To him it was permitted by the Statute 24 Hen. 8. cap. 13. to wear Silk of the colour of Purple, and cloth of Gold, of Tissue in his Apparel, or upon his Horse. And by the Statute 24 Ed. 3. ca. 2. Takings shall not be from henceforth made by others than the Purveyors of the King, of the Queen, and of the Prince their eldest Son : And that if any Man's Purveyor make such Takings, it shall be done of them as of those that do without Warrant, and the Deed adjudged as a Thing done against the Peace and the Law of the Land ; and such as do not in manner aforesaid, shall be duly punished.

To eschew Maintenance, and nourish Peace and Amity in all parts of the Realm, many Statutes have been made in the Reign of King Henry the Fourth, prohibiting the giving of Signs or Liveries to any but Menials ; nevertheless by the Statute 2 Hen. 4. cap. 21. it is provided that the Prince may give his honourable Liveries or Sign to the Lords, or to his Menial Gentlemen ; and that the same Lords may wear the same as if they were the King's Liveries ; and that the Menials of the Prince may also wear the same as the King's Menials. But afterwards by occasion of divers other Statutes made by sundry Kings, for the suppressing of that Enormity of Maintenance, and of the general word in them, that Privilege of the Prince was abridged, or rather taken away, therefore the Statute 12 Ed. 4. cap. 4. was made.

By the Statute 21 H. 8. cap. 13. the Prince may retain as many Chaplains as he pleaseth, although all other of the Nobility (except those of the Blood Royal) are constrained to a certain Number ; and they, or any of them, may purchase Licence and Dispensation, and take and retain two Parsonages or Benefices with Cure of Souls.

By the Order of the Common Law, the King may Levy a reasonable Aid of all his Tenants, as well of those that did hold their Lands of him by Knights Service, as in Soccage, *pur faire fitz Chevalier*, & *pur File marrier*, and the sum of Money was not in certainty.

Note, That the Aid is not to be recovered before the Son be of the Age of Fifteen years, and the Daughter accomplish the Age of Seven years : Fitz. Natur. B. 28. 6. But in the King's pleasure, till by the Statute in the 25 Ed. 3. cap. 11. it was Enacted, That for the Knighting his eldest Son, and marrying his eldest Daughter as aforesaid, the Aid following shall be demanded and levied ; viz. of every Knight so holden of the King (without mean) 20 s. and no more ;

and of every 20 l. of Land holden of the King (without mean) in Soccage, 20 s. and no more : And so after this rate for the Lands in Soccage, and for Land in Tenure of Chivalry, according to the quantity of the Fee.

By another Statute made in the said 25th of Edward the Third, cap. 2. amongst other Things it is declared, That to compass or imagine the Death of the King's eldest Son and Heir, is *Crimen lese Majestatis* ; or if a Man do violate the Wife of the King's eldest Son and Heir, it is High Treason. And so the Statute 26 Hen. 8. cap. 13. doth declare. And so was the ancient Common Law of this Realm, and not a new Law made by the Statute, Coke 8. Part 28. b. But this Statute is a Manifestation and Application of the ancient Common Law in this Case.

Because the People were in Ambiguity, Whether Children born in parts beyond the Sea, and out of the King's Dominions, should be able to demand any Inheritance within his said Dominions, or not : It was declared at a Parliament holden at *Westminster* in the Seventeenth of King James, for the removing of those Doubts, That *les Enfants du Roy*, the Children of the Kings of England, in whatsoever Parts they are Born in, are able, and ought to bear the Inheritance after the Death of their Ancestors.

Read the Statute in Coke's Seventh Part, 12. a. where you shall see, that though generally the Birth-place is observed, yet many times Legiance and Obedience without any Place in the King's Dominions, may make a Subject born : For we see by Experience almost in every Parliament, that Ambassadors, Merchants, and the King's Soldiers do sue therein, in such Cases, to have their Children Naturalized, or made Denizens. And in the Articles confirmed by Parliament touching the Marriage between Philip King of Spain and Queen Mary, Anno primo Parliamenti 2. cap. 2. a special Proviso was to bar him from being Tenant by the Courtisie of the Crown, in case he should have Issue by her, and survive ; which was superfluous, because the Common Law would have denied it. For this last point see the Lord Chancellor's Speech in the Case *Peshnatt*, f. 36.

But note, If an Alien Enemy come into this Realm, and his Wife *English* or Stranger, be here delivered of a Child, this Child notwithstanding his Birth-place, is an Alien born, for want of Allegiance in the Parents, *ibid*.

King Henry the Third did create Edward his eldest Son the first Prince of Wales, and did give unto him the Dominion and Dignity thereof, to be holden of him and his Heirs, Kings of England : And after that time the eldest Sons of the Kings of England have been Princes of Wales ; and as incident to the State and Dignity of a Prince, did and might make Laws and Statutes, and use Jurisdiction and Authority, as amply as any King of that Nation could do ; for Wales was a Kingdom in ancient Time : but by a Statute made the Twelfth of Edward the First, Wales was incorporated and united to England, and became part thereof.



Also by another Statute made 27 Hen. 8. c. 24. a general Resumption of many Liberties and Franchises heretofore granted, or taken from the Crown; as the Authority to pardon Treasons, Murder, Manslaughter, and Felony; also power to make Justices in Oyer, Justices of Assize, Justices of the Peace, Goal-Deliveries, and such like; so that from thenceforth the King's eldest Son hath only the Name and Style of Prince of Wales, but no other Jurisdiction than at the King's pleasure is permitted and granted him by his Letters Patents; as by the tenor thereof here following made by King Henry the Eighth to Edward his Son and Heir apparent, may appear.

HENRY by the Grace of God, King of England and of France, Lord of Ireland, &c. To all Archbishops, Bishops, Abbots, Priors, Dukes, Earls, Barons, Justices, Viscounts, Governors, Ministers, and to all our Rayliffs and faithful Subjects, Greeting. Out of the Excellency of Royal Prebeminence, like leaves from the Sun, so do inferior humours proceed; neither doth the integrity of Royal Lustre and Brightness, by the natural disposition of the Light affording Light, feel any loss or detriment by such borrowed Lights; yea, the Royal Scepter is also much the more extolled, and the Royal Throne exalted, by how much the more Nobleness, Prebeminencies and Honours are under the power and command thereof. And this worthy Consideration allureth and induceth us, with desire to increase the Name and Honour of our Firstbegotten and best Beloved Son Edward, in whom we behold and see our self to be honoured, and our Royal House also, and our People subject to us; hoping by the Grace of God, by conjecture taken of his gracious future proceedings to be the more honourably strengthened, that we may with honour prevent, and with abundant grace prosecute him, who in reputation of us is deemed the same with us. Wherefore by the counsel and consent of the Prelates, Dukes, Earls, Viscounts, and Barons of our Kingdom, being in our present Parliament, We have made and created, and by these Presents do make and create him the said Edward, Prince of Wales, and Earl of Chester: And unto the same Edward do give and grant, and by this Charter have confirmed the Name, Style, Title, State, Dignity, and Honour of the said Principality and County, that he may therein in Governing Rule, and in Ruling direct and defend; we say by a Garland upon his Head, by a Ring of Gold upon his Finger, and a Ferse of Gold, have according to the manner invested him, to have and to hold, to him and his Heirs, the Kings of England for ever. Wherefore we will and command for us and our Heirs, that Edward our Son aforesaid shall have the Name, Style, Title, State, Dignity, and Honour of the Principality of Wales, and of the County of Chester aforesaid, unto him and his Heirs, the Kings of England for ever: These being Witnesses, the Reverend Father John, Cardinal and

Archbishop of Canterbury, Primate of England, our Chancellor, and William Archbishop of York, Primate of England, Thomas Bishop of London, John Bishop of Lincoln, William Bishop of Norwich, our most well beloved Cousins Richard Earl of Warwick, Richard Earl of Salisbury, John Earl of Wiltshire, and our well-beloved and faithful Ralph Cromwel Chamberlain of our House, William Falconbridge and John Stourton, Knights. Dated at our Palace at Westminster the 15th Day of March, and in the Year of our Reign 32.

And here by the way may be observed, That in Ancient time, and in the time of the English-Saxon Kings, the use was as well in pennings of the Acts of Parliament, as of the King's Letters Patents, when any Lands, Franchises, or Hereditaments did pass from the King of any Estate of Inheritance; as also in the Creations of any Man unto Honour and Dignity, the Conclusion was with the sign of the Cross in form aforesaid, *his testibus*, &c. But long since that Form hath been discontinued; so that at this Day, and many Years past, the King's Patents for Lands, Franchises, and Hereditaments do conclude with *Telle me ipso*. Nevertheless in all Creations of Honour and Dignity of Letters Patents, the ancient Form of concluding *His testibus* is used at this Day.

And it hath been resolved by the Judges of all Acts of Parliament and Statutes which do concern the Prince, who is the Firstbegotten Son of the King, and Heir apparent to the Crown for the time being, *perpetuis futuris temporibus*, be such Acts whereof the Judges, and all the Realm must take Cognizance, as of General Statutes: For every Subject hath interest in the King, and none of his Subjects (who are within his Laws) be divided from him, being he is Head and Sovereign; so that the Business and Things of the King do concern all the Realm, and namely when it doth concern the Prince, the Firstbegotten Son of the King, and Heir apparent to the Crown.

Although the Prince by express Words hath no Privilege by the Great Charter of the Forests, 9 Hen. 3. cap. 11. for Hunting in the King's Forests or Parks, passing by them, and sent for by the King's Command; yet the Prince is to take the Benefit and Advantage thereby, as well as the Earls, Bishops, or Barons, who are expressed. Crompton's *Counts des Justices de Forest*, 167.

In the Parliament 31 Hen. 8. cap. 10. an Act concerning the placing of King's Children and Lords in the Parliament, and other Assemblies, was amongst other things made, as followeth; That no person or persons, of what degree, estate, or condition soever his or they be of (except only the King's Children) shall at any time hereafter attempt to sit, or have place on any side of the Cloth of Estate in the Parliament Chamber, whether His Majesty be there personally present or absent. The Prince shall not find Pledges for



for the prosecution of any Action, and therefore shall not be amerced no more than the King or Queen should be.

The Prince is a distinct person from the King; he is a Subject, and holdeth his Principalities and Seignories of the King, and subject to the Law of the Land as a Subject.

And in token of the Prince's Subjection, he doth not upon his Poſie in his Arms disdain the old Saxon words [*Ich Dien*] I ſerve.

And there is a Caſe, that *Glaſcoine* Chief Juſtice of *England* in the time of *Henry* the Fourth, did commit the Prince, who would have taken a Priſoner from their Bar in the *King's Bench*: And the Prince did humbly ſubmit himſelf, and go at his Command. And this did much rejoyce the King, to ſee that he had a Judge ſo bold to adminiſter Juſtice upon his Son; and that he had a Son ſo gracious as to obey his Laws.

The Exerciſes beſitting Princes, whiſt they are young, are Chivalry, and Feats of Arms, and to adjoyn therewith the Knowledge of the Law and God: For it is the Duty and Office of a King to fight the Battels of his people, and rightly to judge them, 1 *Kings* 8. And the Prophet *David* ſaith, *Be ye learned, you that judge the Earth*. Where to if they alſo would endeavour to have Knowledge in the Principles and Grounds of the Laws of their own Country, which they in due time inherit, they ſhall be much the more enabled to govern their Subjects; and it is a point of Wiſdom in ſuch to acknowledge, that *Rex datur propter Regnum, & non Regnum propter Regem*, And to move the Princes to theſe things, there is an excellent Book, Dialogue-wiſe, between a Prince (a King's Son of this Realm) and Sir *John Forteſcue* a Judge, entituled *De laudibus Legum Angliæ*.

Many that have been Heirs apparent to the Crown of *England*, ever ſince the *Norman* Conqueſt, have been taken away either by their natural Deaths, or by Violence, during the Life of their Anceſtors, ſo that they have not attained to the Crown.

*William*, the only Son of *Henry* the Firſt, was drowned in his paſſage from *Normandy*, his Father reigning.

*Euſtace*, King *Stephen's* only Son, died mad, to the great Grief of the King his Father.

*William*, the eldeſt Son of King *Henry* the Second, died in the Fourth Year of his Age, and in the Third Year of his Father's Reign.

King *Henry* the Second's Son, called *Curt-Mantel*, was in his Father's life-time crowned King, by the Name of King *Henry* the Younger, but died in the Life-time of his Father.

*Geſſrey*, the fourth Son of the ſaid King, died during the Reign of *Richard Cœur de Leon*, his third Brother, which King *Richard* had no Son, and ſo *Geſſrey* was Heir apparent to the Crown.

King *Edward* the Firſt had Iſſue, *John*, *Henry*, and *Alphonſ*, but all three died in their Childhood in their Father's life.

*Edward* the *Black Prince* (of famous Memory) eldeſt Son to King *Edward* the Third, died before his Father.

*Richard* the Third had Iſſue only one Son, named *Edward*, who died without Iſſue.

*Arthur*, the eldeſt Son and Heir apparent to King *Henry* the Seventh, died in the life-time of his Father.

*Henry* Prince of *Wales*, eldeſt Son to King *James*, alſo left the World before his Father.

Theſe Examples may ſerve as a Mirror for all ſucceeding Princes and others, to ſee how tranſitory the Glory of this World is; whereof the Saying of the Princely Prophet *David* may never be out of remembrance, *Pſal.* 82. *I have ſaid ye are Gods, and ye are all the Children of the moſt High; but ye ſhall die like men, and ye Princes like others.*

Alſo divers other Heirs apparent, and thoſe that have been in poſſeſſion of their Crowns, have been defeated by Uſurpers: And namely *Robert* Duke of *Normandy*, eldeſt Son to *William* the Conqueror, was defeated of his Birth-right by his two younger Brethren, *William Rufus* and *Henry*, ſucceſſively one after another; and after Six and twenty years Imprisonment, having both his Eyes put out, died in the Reign of his Brother *Henry*.

*Maud*, the ſole Daughter of the ſaid King *Henry*, was defeated of her Birth-right to the Crown by *Stephen*, the Son of her Father's Siſter.

*Arthur*, the only Son and Heir of *Geſſrey*, the fourth Son to *Henry* the Second, was next Heir to the Crown after the Death of his Uncle *Richard*, the firſt King of that Name, who died without Iſſue (his Father being dead before) but his Uncle *John*, Son to the ſaid *Henry* the Second, defeated him not only of his Right to the Kingdom, but alſo of his Life, and that by ſtarving him.

King *Edward* the Second was depoſed by his eldeſt Son, who in the Life-time of his Father took upon him to be the King of *England*.

*Richard*, the only Son to *Edward* the black Prince, and next Heir to the Crown after the Death of his Grandfather King *Edward* the Third, was defeated both of his Crown and Life by *Henry* of *Lancaster*, Son to *John* of *Gaunt*, who was but the fourth Son of King *Edward* the Third; yea, although *Lionel*, the third Son of the ſaid King *Edward*, had Iſſue *Philip* his only Daughter, who by conſequence was next to the Crown before the Iſſue of *John* of *Gaunt*; which *Philip* was married to *Edward* Mortimer Earl of *March*, from whom the Houſe of *York*, by the Name of *Edward* the Fourth, are lineally deſcended: For *William* of *Hatfield*, ſecond Son to King *Edward* the Third, died young without Iſſue.

King *Henry* the Sixth, having but one Son, named *Edward*, he was ſlain in the Life-time of his Father, and the King himſelf depoſed by *Edward* the Fourth, and murdered in the *Tower*:



So the Act of Parliament made between them for an indented Peace, exemplified in our Books of Law.

*Edward* and *Richard*, the two only Sons to *Edward* the Fourth, after the descent of the Crown, and before the Coronation of Prince *Edward*, were both of them murdered in the Tower by their Uncle. *Richard* Duke of *Glocester*, who thereupon took upon him the Crown, although there were remaining alive divers Daughters of the late King *Edward* the Fourth. During these troublesome and tragical Times, each of the King's prevailing, attainted the other their Adversary of High Treason by Act of Parliament, intending utterly to disable them, and make them to be incapable by the Law of the Crown. And it is a Matter worthy of Observation, how the Hand of God did not forget to pursue Revenge in these Cases; for *William Rufus* died without Issue; *Henry* his Brother had a Son and one Daughter, but his Son died an Infant, and his only Daughter *Maud* was defeated of her Birthright by *Stephen*. King *John*, who defeated *Arthur* his Nephew of his Birthright and Life, lived in continual Wars, never enjoye! Peace, but was driven to submit himself, and subject his Kingdom to the Pope. In his time *Normandy*, which King *William* the First brought with him, and which in five Descents continued in actual Obedience of the Kings of *England*, was in the sixth Year of his Reign lost, until King *Henry* the Fifth recovered it again, and left it to King *Henry* the Sixth, who again lost it in the Eight and twentieth Year of his Reign, as doth appear both in our Chronicles, and in our Books of Law.

Concerning the violence done to King *Henry* the Second, albeit *Edward* his Son enjoyed a long and prosperous Reign; yet his Successor, King *Richard*, was in the like violent manner imprisoned, deprived, and put to Death.

King *Henry* the Fourth, by whom King *Richard* was deposed, did exercise the chiefest Acts of his Reign in executing those, who conspired with him against King *Richard*: His Son had his Vertue well seconded by Felicity, during whose Reign, by the means of Wars in *France*, the humour against him was otherwise employed: But his next Successor, King *Henry* the Sixth, was in the very like manner deprived, and together with his young Son *Edward*, imprisoned and put to death by King *Edward* the Fourth. This *Edward* died not without suspicion of Poison; and after his death, his two Sons were likewise disinherited, imprisoned, and murdered by their cruel Uncle, the Duke of *Glocester*, who being both a Tyrant and Usurper, was justly encountered by King *Henry* the Seventh in the Field: So infallible is the Law of Justice in revenging Cruelties and Injuries; not always observing the present time wherein they are done; but often calling them into reckoning, when the Offenders retain least memory of them.

But as the Saying is, *Ex malis moribus bonæ*

*leges oriuntur*; so their Tragical and Miserable Combustions have occasioned, that the Law hath established more certain Resolutions in all these cases and pretences against the right Heir to the Crown than before. For first, though a common Opinion was conceived, that a Conqueror might freely dispose of the Succession of that Estate, which he had obtained by the purchase of his Sword (which was the Title pretended for *William Rufus*) yet now in our Books this difference is taken for Law, *viz.* between the Conquest of a Kingdom from a Christian King, and the Conquest of a Kingdom from an Infidel: For if a King come to a Christian Kingdom by Conquest, seeing he hath *Vita & necis potestatem*, he may at his pleasure alter and change the Laws of that Kingdom; but until he doth make an alteration thereof, the ancient Laws do stand; and therefore the case of *Rufus*, the ancient Law of this Realm being, That the eldest Son should inherit, and that a King in possession cannot devise the same by his last Will, or by other Act; therefore the said *William Rufus* was no other than a Usurper. But if a Christian King should Conquer a Kingdom from an Infidel, and being then under his subjection, there *ipso facto* the Laws of the Infidels are abrogated; for that they be not only against Christianity, but against the Law of God and Nature, mentioned in the Decalogue: and in that case, until certain Laws be established amongst them, the King by himself, and such Judges as he shall appoint, shall judge them and their causes according to natural Equity, in such sort as Kings in ancient Times did within their Kingdoms, before any certain municipal Laws were given. And if a King have a Kingdom by Title of Descent there, seeing by the Laws of that Kingdom he doth inherit the Kingdom, he cannot change those Laws of himself, without consent of Parliament. Also if a King have a Christian Kingdom by Conquest, as King *Henry* the Second had *Ireland*, after that King *John* had given unto them (being under his Obedience and Subjection) the Laws of *England* for the Government of that Country, no succeeding King could alter the same without Parliament.

In Succession of Kings a question hath been, Whether the King, who hath had Sons both before and after he came to the Crown, which of them should succeed, he that was born before, as having the Prerogative of his Birthright, or he that was born after? And for each Reasons and Examples have not been wanting. For *Xerxes*, the Son of *Darius*, King of *Persia*, being the eldest Son after the enthroning his Father, carried away the Empire from his Brother *Arthemones* or *Artobazanes*, who was born before his Father came to the Royal Possession thereof. So *Arcefes*, the Son of another *Darius*, born in the time of his Father's Empire, carried away the Garland from his Brother *Cyrus*, born before his Father came to the Empire. So *Lewis* Duke of *Mullain*, born after his Father was Duke, was preferred



preferred to the Dukedom before his Brother *Gaius*, born before the Dukedom. But notwithstanding these Examples, and the Opinion of sundry Doctors to the contrary, common use of Succession in these latter Days hath been to the contrary, and that not without good reason; for that it is not meet that any that hath right to any Succession by the Prerogative of their Birthright (such as all elder Brothers have) should be put by the same. And this was the pretence of *Henry* the First against *Robert*, his eldest Brother.

Also sundry Contentions have risen in Kingdoms between the Issue of the eldest Son of the King dying before his Father, and the second Brother surviving, who should Reign after the Death of the Father; the Nephew challenging the same unto him by the Title of his Father's Birthright, and by way of Representation, *Cok. part 3. cap. 4.* the other claiming as eldest Son to his Father at the time of his Death: Upon which Title in old Time, there grew a Controversie between *Arcus* the Son of *Arrotatus*, eldest Son of *Cleomenes* King of *Lacedemonia*, and *Cleomenes* second Son of *Cleomenes*, Uncle to the said *Arcus*: But upon debate of the Matter, the Senate gave their Sentence for *Arcus* against *Cleomenes*. Besides, *Enomius* King of *Lacedemon* having two Sons, *Polydecles* and *Licurgius*, *Polydecles* dying without Children, *Licurgius* succeeded in the Kingdom; but after he had understood that *Polydecles* Widow had a Child, he yielded the Crown to him; wherein he dealt far more religiously, than either did King *John*, or King *Richard* the Third: For King *John*, upon the like Pretence, not only put by *Arthur Plantaginet*, his eldest Brother's Son, from the Succession of the Kingdom; but also most unnaturally took away his Life. And King *Richard* the Third, to come to the Crown, did most barbarously, not only slay his two innocent Nephews, but also defamed his Mother in publishing to the World, that the late King his Brother was a Bastard.

Our Stories do obscurely note, that Controversie of like Mitter had like to have grown between King *Richard* the Second, and *John* of Gaunt his Uncle; and that he had procured the Counsel of sundry great Learned Men to this purpose; but that he found the Hearts of divers Noblemen of this Kingdom, and especially the Citizens of *London* to be against him; whereupon he desisted from his intended purpose, and acknowledged his Nephews Right. And the reason of the Common Law of *England* is notable in this Point, and may be collected out of the ancient Authors of the same; *Glanvile lib. 7. cap. 1.* *Bracton lib. 7. c. 30.* and by *Brittan, fol. 119.* For they say, Whosoever is Heir to another, *aut est heres jure proprietatis*, as the eldest Son shall inherit only before his Brothers; *aut jure representationis*: as where the eldest Son dieth in the life of his Father, his Issue shall

inherit before the youngest Son; for though the youngest *sit magis propinquus*, yet *jure representationis* the Issue of the eldest Son shall inherit, for that he doth represent the Person of his Father; And as *Bracton* saith, *jus proprietatis*, which his Father had by his Birthright, doth descend unto him: *aut jure propinquitatis, ut propinqui jus excludit remotum, & remotus remotiorem*: *aut jure sanguinis*. And yet *Glanvile*, Lord Chief Justice under King *Henry* the Second, seemeth to make this questionable here in *England*, Who should be preferred, the Uncle or the Nephew. Also it hath been resolved for Law, That the possession of the Crown purgeth all Defects, *Hen. 1. fol. 3.* and so doth *Ulpian* the Civilian determine. And this is one of the three Reasons alledged, wherefore by the policy of our Law the King is a Body Politick, thereby to avoid the attainder of him that had right to the Crown, *Coke's seventh part, 12. a.* lest in the interim there should be an *interregnum*, which the Law will not suffer, because of the manifold Incumbrances thereof: For it hath been clearly resolved by all the Judges of the Land, That presently, by the descent of the Crown, the next Heir is compleatly and absolutely King, without any essential Ceremony or Act to be done, *ex postfacto*; And that Coronation is but a Royal Ornament and outward Solemnization of the Descent. And this appeareth evidently by abundance of Presidents and Book-Cases. Let us take one or two Examples in a Case so clear for all: King *Henry* the Sixth was not crowned till the Eighth year of his Reign, and yet divers Men before his Coronation were attainted of Treason, Felony, and the like Crimes; and he was as absolute and compleat a King for Matters of Judicature, Grants, &c. before his Coronation, as he was after.

Queen *Mary* reigned three Months before she was crowned, in which space the Duke of *Northumberland* and others were condemned and executed for Treason which they had committed before she was Queen.

And upon this reason there is a Maxim in the common Law, *Rex nunquam moritur*, in respect of his ever living and never dying politique capacity. In *France* also the same Custom hath been observed; and for more assurance it was expressly enacted under *Charles* the Fifth, That after the Death of any King, his eldest Son should immediately succeed; for which cause the Parliament Court of *Paris* doth accompany the Funeral Obsequies of those that have been their Kings, not in mourning attire, but in Scarlet, the true Ensign of the never dying Majesty of the Crown: Nevertheless certain Cities in *France*, not long since, alledged for themselves, that because they had not reputed *Henry* the Fourth for their King, and professed Allegiance unto him, they were not to be adjudged Rebels; Whereupon the chief Lawyers of our Age did resolve, That soasmuch as they were original Subjects, even Subjects by Birth, they were Rebels in bearing



bearing Arms against their King, although they had never professed Allegiance unto him.

To conclude this Chapter, I shall give you a View of the Ceremonies of the Creation of *Henry Prince of Wales*, which began on the Thirtieth of *May 1610.* as followeth; The Prince accompanied with divers young Noblemen, together with his own Servants, rode from his Court at *St. James's* to *Richmond*, where he reposed that Night; on the next day the Lord Mayor, Aldermen, with the several Companies in their Barges attended his Highness about *Barn Elmes*, where he was entertained with a Banquet, and in other places with Speeches by a *Neptune* upon a *Dolphin*, and a *Sea Goddeſs* upon a *Whale*, &c. His Highness landing at *Whitehall*, was received by the Officers of his Majesties Household, according to order, *viz.* by the Knight Marshal and the Serjeant Porter; In the Hall by the Treasurer and Comptroller of the Household; in the great Chamber by the Captain of the Guard, and and in the Presence Chamber by the Lord Chamberlain; from whence he went into the Privy Chamber, where the King and Queen met him; the Saturday after was taken up with the usual Ceremonies of making Knights of the Bath to attend his Highness at his Creation, which were Five and twenty in Number.

Upon *Monday* following, these Knights of the Bath met in the Queens Closet, where they put on long Purple Satten Robes, lined with white Taffata, and a Hood like a Batchelor of Law about their Necks; and in a Barge prepared for them went before the Prince to *Westminster Palace*, where his Highness landed, and proceeded to his Creation thus:

First the Heralds.

Next the Knights of the Bath.

Then the Lords that were imployed in several Services.

*Garter* King at Arms, bearing the Letters Patents.

The Earl of *Suffex* the Robes of Purple Velvet.

The Earl of *Huntington* the Train.

The Earl of *Cumberland* the Sword.

The Earl of *Rutland* the Ring.

The Earl of *Derby* the Rod.

The Earl of *Sbrensbury* the Cap and Coronet.

The Earl of *Nottingham* and Privy Seal supported his Highness, being in his Surcoat only, and bare-headed, to the Parliament Chamber.

The King was already set with all the Lords Spiritual and Temporal in their Robes of State, all the Knights and Burgesses of the lower House present; as also the Foreign Ambassadors, the great Ladies of the Realm, and the Lord Mayor and Aldermen of *London* seated upon Scaffolds. The Procession entring in manner aforesaid, made three several low Reverencies to His Majesty; and when they came to the Throne, *Garter* King at Arms kist the Letters Patents, and gave them to the Lord Chamberlain, who presented them to

the King, who delivered them to the Earl of *Salisbury*, Principal Secretary of State, who read them, the Prince kneeling all the while before the King; and at the Words accustomed, the King put on the Robe, the Sword, the Cap and Coronet, the Rod, and the Ring. The Patent being read, the King kist him on the Cheek, and the Earl Marshal, with the Lord Chamberlain, placed him in his Parliament Seat, *viz.* on the left hand of the King; which Ceremony being ended, they returned to the Palace Bridge in manner as followeth.

First the Masters of the *Chancery*, the King's Council and others; then the Officers of Arms, the Knights of the Bath; next twenty Trumpets before them; then the Judges; and after them all the Members of Parliament in order, the Barons, Viscounts, Earls, and Marquisses having Coronets on their Heads; then *Norroy* and *Clarenceaux* King at Arms going next before the Lord Treasurer and the Lord Chancellor; then *Garter* next before the Sword; and then the Prince and King. They took Barge at the Palace Stairs, and landed at *Whitehall-Bridge*, where the Officers at Arms, the Members of Parliament, and the Lords being first Landed, attended the King and Prince, and went before into the Hall, and so into His Majesty's Presence Chamber, whence the Prince descended again into the Hall to Dinner, himself seated at the upper end of a Table, accompanied with the Lords that attended him at his Creation, who sate on both Sides of the Table with him. At another Table on the left Hand sate the Knights of the Bath in their Robes along one side, attended by the King's Servants. At the second Course, *Garter* with the Heralds came to the Prince's Table, and after due reverence, proclaimed the King's Style with three Large lles, *viz.* King of *England*, *Scotland*, *France*, and *Ireland*, Defender of the Faith, &c. And then proclaimed the Prince's Titles, *viz.* Prince of *Wales*, Duke of *Cornwall* and *Rothsay*, Earl of *Chester*, Earl of *Rothsay*, and Knight of the *Garter*, with two Large lles: Then with Feasting, Masques, and all sort of Courtly Gallantry, that joyful Creation of the Prince ended.

His Royal Highness the present Prince of *Wales*, &c. was created by Patent without these formal Ceremonies which Custom had so long continued.

The Badge or Armorial Ensign of Honour appropriate unto these Princes, is as it is below Engraved.



The word *Ich Dien* signifieth *I serve*. The Coronet is born, by reason that the valiant *black Prince* at the Battle of *Creffy* won the Crown from *John King of Bobemia*, whom he there slew, and took the Crown from his Head.



‘ The most High, Puissant, and most Illu-  
 ‘ strious Prince, His Royal Highness George Prince  
 ‘ of *Wales*, Duke of *Cornwall* and *Rothsay*, Duke  
 ‘ and Marquiss of *Cambridge*, Earl of *Chester*,  
 ‘ *Flint*, *Milford-Haven* and *Rothsay*, Viscount  
 ‘ *Northalerton*, and Baron of *Tewkesbury* and  
 ‘ *Renfrew*.

*Honours.*

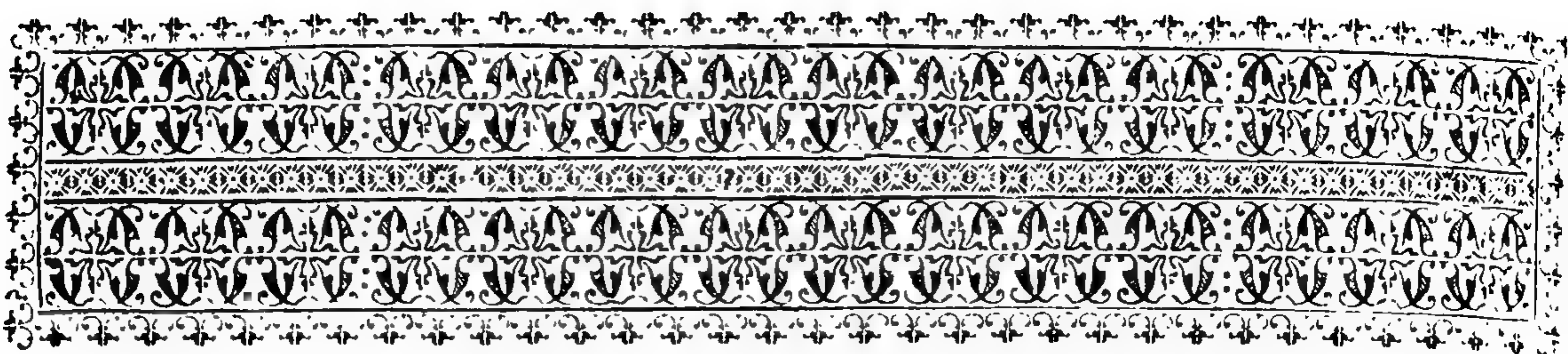
‘ Prince of *Wales*, and Duke of *Cornwall*, as  
 ‘ eldest Son and Heir apparent to His Majesty  
 ‘ King *George*, and the Crown of *England*;  
 ‘ Duke of *Rothsay*, as a Title belonging to the  
 ‘ eldest Son and Heir apparent to the Crown of  
 ‘ *Scotland*; Earl of *Rothsay* and Baron of *Ren-*  
 ‘ *frew*, [ *Scotch Honours* ] declared by Parlia-  
 ‘ ment, 1 *Geo.* (1714.) Earl of *Chester*, declared  
 ‘ by Parliament, 1 *Geo.* Earl of *Flint*, as incor-  
 ‘ porated with *Chester*, and annexed to the Title  
 ‘ of Prince of *Wales*; Duke, and Marquiss of  
 ‘ *Cambridge*, Earl of *Milford-Haven*, Viscount  
 ‘ *Northalerton*, and Baron of *Tewkesbury*, in *Com-*  
 ‘ *Gloucester*. By Patent, 9 *Nov. Q. Anne* (1709.)

*Arms.*

‘ Those of the King, viz. Quarterly in the  
 ‘ First grand Quarter *England*, i. e. *Gules* three  
 ‘ Lyons passant gardant in pale, Or, impaling for  
 ‘ *Scotland*, Or, a Lyon rampant within a dou-  
 ‘ ble *Tressure Fleury contre Fleury Gules*; Second  
 ‘ grand Quarter *Argent France*, viz. *Azure* three  
 ‘ *Fleuers de Lys*, Or; Third *Ireland*, viz.  
 ‘ *Azure* an Harp, Or, stringed *Argent*; and in  
 ‘ the Fourth *Brunswick*, viz. *Gules*, two Lyons  
 ‘ passant gardant in pale, Or, impaling *Linen-*  
 ‘ *burgh*, i. e. Or, semé of Hearts *Gules*, a Lyon  
 ‘ rampant *Azure*, having enté in point of *Saxo-*  
 ‘ *ny Ancient*, viz. *Gules*, an Horse saliant *Ar-*  
 ‘ *gent*, with an *Escocheon surtout Gules*, and  
 ‘ over all, a *Label* of three Points, *Silver*. His  
 ‘ Highness's Supporters and Crest the same as  
 ‘ His Majesty's, save that each are gorg'd with a  
 ‘ *Label Argent*, and his Crest on and crown'd  
 ‘ with a Prince's Coronet, not an Imperial  
 ‘ Crown.







# O F DUKES.

## C H A P. IV.



THE Title and Degree of a Duke hath been of ancienter standing in the Empire, and other Countries, than amongst us; for the first English Duke was *Edward the black Prince*, created Duke of *Cornwall* by his Father King *Edward the Third*; by which Creation, according to the Tenure of his Patent, the Firstborn Sons of the Kings of *England* are Dukes of *Cornwall*: Nor is there any Creation required for the said Honour, although there is for Prince of *Wales*. A Duke is said to be so called à *Ducendo*, from leading; being at the first always a Leader of an Army Imperial or Regal, and was so chosen in the Field, either by casting of Lots, or by common Voice; and the *Saxons* called this Leader an *Hertzog*: But now, and for some time past, it is a Dignity given by Kings and Princes to Men of great Blood and excellent Merit. In some Countries, at this Day, the Sovereign Princes are called Dukes; as the Duke of *Savoy*, Duke of *Muscovy*, Duke of *Saxony*, Duke of *Florence*, and the like.

All Noblemen at their Creation have two Ensigns, to signifie two Duties, *viz.* their Heads are adorned *ad consulendum Regem & Patriam in tempore pacis*, and they are girt with Swords, *ad defendendum Dominum Regem, & Patriam in tempore belli*. The *Chapeau* or Head-attire (with *Chassaneus*) Dukes were accustomed to wear in token of Excellency, it is of a Scarlet Colour, lined or doubled Ermin. And now Marquisses, Earls, and Viscounts plead Custom for the use thereof, as also for Coronets; which His Majesty King *Charles the Second* hath also

granted Barons to wear, but with due Difference, as is also in their Robes, which may appear by the Portraiture of the said Degrees here lively set forth. His Sword is girt about him, and his short Cloak or Mantle over his Shoulders is guarded with four Guards; his Coronet is Gold, the Cap Crimson, double Ermin, but not indented, as those of the Blood Royal are; and the Verge which he holds in his Hand is also of Gold.

Dukes of the Royal Line or Blood are reputed as Arch-Dukes, and are to have their Coronets composed of Crosses and *Fleurs de lys*, not Leaves, as other Dukes.

A Duke *tantum* shall take place before any Lord, that is both Marquiss and Earl; but a Duke that is both a Marquiss and Earl, shall precede him.

The Dukes, Marquisses, and Earls at their Creations have a Sword put over their Shoulder, or girt about them, which the Viscounts and Barons have not.

A Duke may have in all places out of the King's or Princes presence a Cloth of Estate, hanging down within half a Yard of the Ground; so may his Dutches, who may have her Train born up by a Barones: And no Earl, without permission from him, ought to wash with a Duke.

All Duke's eldest Sons, by the Courtelie of *England*, are from their Birth styled Marquisses, and the younger Sons Lords, and take place of Viscounts; but not so privileged by the Law of the Land.

A Duke hath the Title of Grace; and being written unto us is styled, Most High, Potent, and Noble





The Effigies of the  
 Duke, Marquess, & Earle  
 of Coventry, Viscount Vil-  
 & Knight of y<sup>e</sup> most No



Most Noble, George  
 of Buckingham, Earle of  
 Arles, Baron of Whaddon,  
 ble order of the Garter &

R. White sculp.





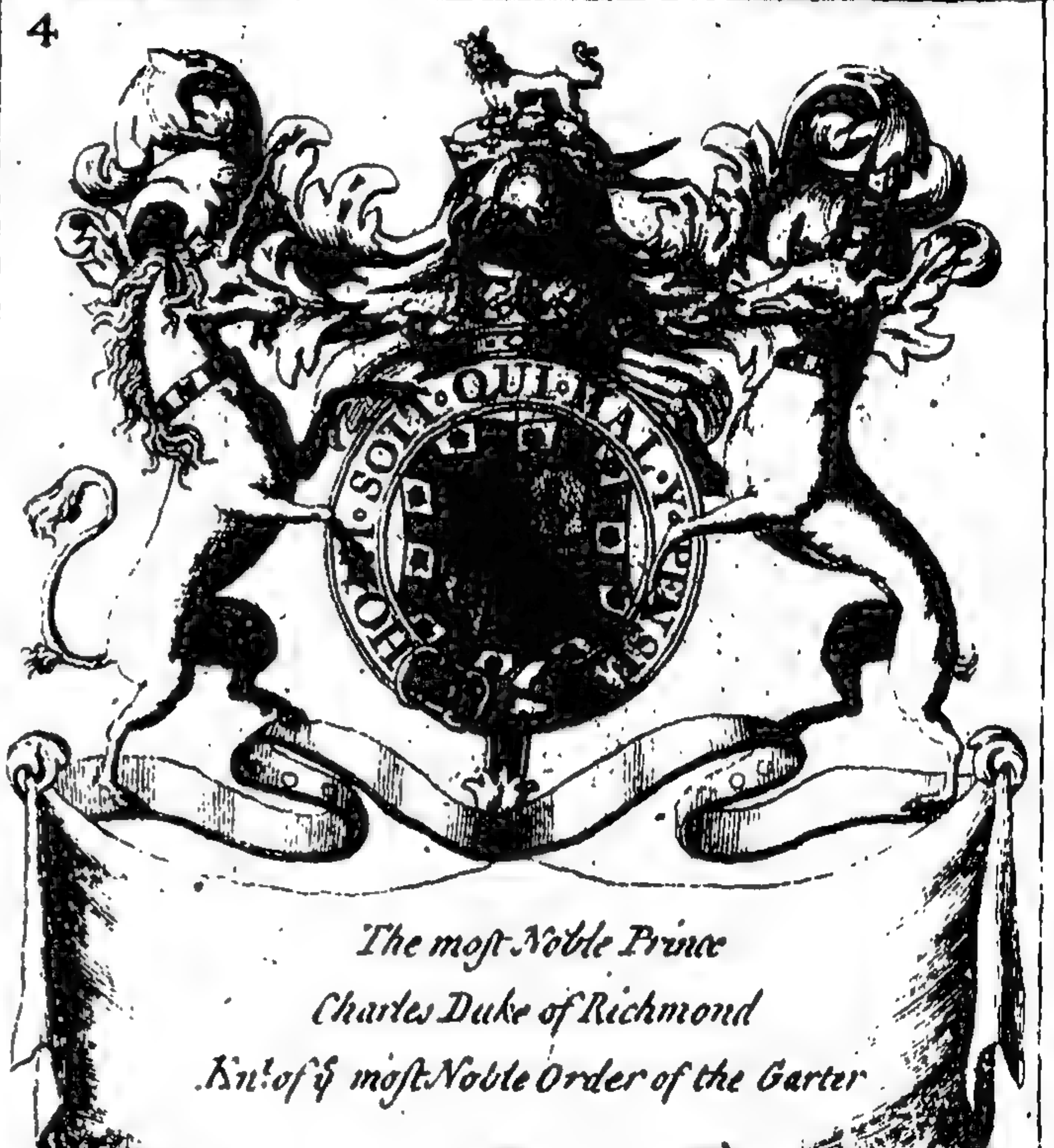
*The most Noble Prince  
Thomas Duke of Norfolk  
Earl Marshal of England*



*The most Noble Prince  
Charles Duke of Somerset  
Kn<sup>t</sup> of the most Noble Order of the Garter*



*The most Noble Prince  
Charles Duke of Cleveland & Southampton  
Kn<sup>t</sup> of the most Noble Order of the Garter*



*The most Noble Prince  
Charles Duke of Richmond  
Kn<sup>t</sup> of the most Noble Order of the Garter*



*The most Noble Prince  
Charles D. of Grafton  
Kn<sup>t</sup> of the most Noble Order of the Garter*



*The most Noble Prince  
James D. of Ormond  
Kn<sup>t</sup> of the most Noble Order of the Garter*





*The most Noble Prince  
Henry Duke of Beaufort*



*The most Noble Prince  
George Duke of Northumberland  
Kn. of y<sup>e</sup> most Noble Order of the Garter  
Extinct*



*The most Noble Prince Charles D. of Sillans  
Cap<sup>t</sup> of his Majesties Band of Gentlemen  
Pensioners and Kn. of the most Noble  
Order of the Garter*



*The most Noble Prince  
Charles D. of Bolton  
Kn. of the most Noble Order of y<sup>e</sup> Garter.*



*The most Noble Prince  
Meinhardt Duke of Schomberg Leinster  
Kn. of the most Noble Order of the Garter  
Extinct*



*The most Noble Prince Charles D. of Shrewsbury  
Kn. of the most Noble Order of the Garter.  
The Dukedom Extinct, but the Earldom, Subsist. in the  
R<sup>th</sup> Hon<sup>ble</sup> Gilbert E. of Shrewsbury now the premier Earl*





*The most Noble Prince  
Peregrine Duke of Leeds.*



*The most Noble Prince  
Wriothesley Duke of Bedford.*



*The most Noble Prince  
William Duke of Devonshire,  
Kn<sup>t</sup> of the most Noble Order of the Garter*



*The most Noble Prince  
John Duke of Buckinghamshire & Normanby  
Kn<sup>t</sup> of the most Noble Order of the Garter.*



*The most Noble Prince  
John Duke of Marlborough,  
Kn<sup>t</sup> of the most Noble Order of the Garter.*



*The most Noble Prince  
John Duke of Rutland,  
Kn<sup>t</sup> of the most Noble Order of the Garter.*



19

Dukes<sup>20</sup>



*The most Noble Prince  
John Duke of Montagu  
Kn. of the most Noble Order of y<sup>e</sup> Garter*



*The most Noble Prince  
Charles Duke of Dover &c.*

21

22



*The most Noble Prince  
Henry Duke of Kent  
Kn. of the most Noble Order of y<sup>e</sup> Garter*



*The most Noble Prince  
James Duke of Hamilton & Brandon &c.*

23

24



*The most Noble Prince  
Robert Duke of Ancafter & Kesteven  
Lord Great Chamberlain of England*



*The most Noble Prince  
Evelyn Duke of Kingston Lord Privy Seal  
and Kn. of the most Noble Order of the Garter*

*See the Armo<sup>y</sup> of the Dukes of Newcastle, Portland, Wharton, Greenwich, Manchester, Rutland, Devon & Devonshire among y<sup>e</sup> Earls &c.*



Noble Prince. And Dukes of the Royal Blood are styled, Most High, Most Mighty, and Illustrious Princes.

The younger Sons of Kings are by Courtesie styled Princes by Birth, but have their Titles of Duke, Marquiss, &c. from Creation: The Daughters are styled Princesses: And the Title of Royal Highness is given to all the King's Children, both Sons and Daughters.

The Form of a Patent of the Duke of York, tempore Jacobi.

**J**ACOBUS, &c. To all Archbishops, Bishops, Dukes, Marquisses, Earls, Viscounts, Barons, Justices, Knights, Governors, Ministers, and to all Bailiffs and faithful Subjects, Greeting. Where-as oftentimes we call to mind how many and innumerable Gifts, and what excellent Benefits that Great Maker of all Goodness (of his own benignity and clemency) hath abundantly bestowed upon us, who not only by his Power hath consociated divers and mighty Lyons in firm Peace, without any strife; but also hath amplified and exalted the Bounds and Limits of our Government, by his unspeakable Providence, above our Progenitors, with an indissoluble Conjunction of the ancient and famous Kingdoms, in the right of Blood, under our Imperial Diadem. In regard whereof we cannot boast, but most willingly acknowledge our fruitfulness and Issue plentifully adorned with the gifts of Nature, which he hath vouchsafed unto us, because in truth in the Succession of Children a mortal Man is made as it were immortal; neither unto any mortal Men, at leastwise unto Princes not acknowledging Superiors, can any thing happen in worldly causes more happy and acceptable, than that their Children should become notable in all vertuous Goodness, Manners, and Increase of Dignity, so as they which excel other Men in Nobleness and Dignity, endowments of Nature, might not be thought of others to be exceeded: Hence it is that we (that great goodness of God, which is shewed unto us in our felicity not to pass in silence; or to be thought not to satisfy the Law of Nature, whereby we are chiefly provoked to be well affected and liberal to those in whom we behold our Blood to begin to flourish) coveting with great and fatherly Affection, that the perpetual Memory of our Blood, with Honour and increase of Dignity, and all Praise may be affected, our well beloved Son Charles Duke of Albony, Marquiss of Ormond, Count of Ross, and Lord of Ardmannoth, our second begotten Son, in whom the Regal form and beauty worthy Honour, and other gifts of Vertue, do now in the best hopes shine in his tender Years, We erect, create, make and ordain, and to him the Name, Style, State, Title, and Dignity, and Authority, and Honour of the Duke of York do give, to him that Name, with the Honour to the same belonging and annexed, by the girding of the Sword, Cap, and Circlet of Gold put upon his Head, and the delivery of a Golden Verge, we do really invest, To have and to hold the same Name,

Style, State, Dignity, Authority, and Honour of the Duke of York unto the aforesaid Charles our second begotten Son, and to the Heirs Male of his Body lawfully begotten for ever. And that the aforesaid Charles our second begotten Son, according to the decency and state of the said Name of Duke of York, may more honourably carry himself; we have given and granted, and by this our present Charter, we confirm for us and our Heirs unto the aforesaid Duke and his Heirs for ever, out of Farms, Issues, Profits, and other Commodities whatsoever coming out of the County of York, by the Hands of the Sheriff of the said County for the time being, at the times of Easter and Michaelmas by even portions. For that express mention of other Gifts and Grants by us unto the said Duke before time, made in these Presents, doth not appear notwithstanding these being Witnesses; The most excellent and most beloved Henry our First begotten Son, Ulrick Duke of Hellet, Brother of the Queen our beloved Wife, and the Reverend Father in Christ, Richard Archbishop of Canterbury, Primate and Metropolitan of all England, and also our beloved and faithful Counsellor, Thomas Lord Elsinere our Chancellor of England, Thomas Earl of Suffolk, Chamberlain of our Household, and our dear Cousin, Thomas Earl of Arundel, our welbeloved Cosins and Counsellors Henry Earl of Northumberland, Edward Earl of Worcester, Master of our Horse, George Earl of Cumberland, and also our welbeloved Cosins, Henry Earl of Southampton, William Earl of Pembroke, and also our welbeloved Cosins and Counsellors, Charles Earl of Devonshire, Master of our Ordinance, Henry Earl of Northampton, Warden of the Cinque Ports, John Earl of Warwick, Robert Viscount Cranborne our Principal Secretary, and our welbeloved and faithful Counsellor, Edward Lord Zouch, President of our Council within the Principality and Marches of Wales, and also our welbeloved and trusty Robert Lord Willoughby of Eresby, William Lord Mounteagle, Gray Lord Chandois, William Lord Compton, Francis Lord Norris, Robert Lord Sidney our welbeloved and faithful Counsellor, William Lord Knowles, Treasurer of our Household, and our welbeloved and faithful Counsellor George Dunbar, Lord of Barwick, Chancellor of our Exchequer, Edward Bruce of Kinloss, Master of the Rolls of our Chancery, and also our welbeloved and faithful Thomas Eareskine of Birketon, Captain of our Guard, James Lord Barmermoth, and others. Given by our Hand at our Palace at Westminster, in the Second Year of our Reign of England, &c.

**K**ING Edward the Third, in the third Year of his Reign, by his Charter in Parliament, and by Authority of Parliament did create Edward his eldest Son, called the Black Prince, Duke of Cornwall not only in Title, but cum feodo with the Duchy of Cornwall, as by the Letters Patents may appear in Coke's Eighth Part in the Pleadings, *Habendum & tenendum eidem Duci, & ipsius, & heredum suorum, Regum Angliæ, filius Primogenitis,*



*genitis, & dicti loci Ducibus, in Regno Angliæ ei hereditarie successuris*: So that he who is hereditary must be Heir apparent to the King of *England*, and of such a King who is Heir to the said Prince *Edward*, and such a one shall inherit the said Dukedom; which manner of Limitation of Estate was short and excellent, varying from the ordinary Rules of the Common Law, touching the framing of any Estate of Inheritance in Fee-simple, or Fee-tail; and nevertheless, by the Authority of Parliament, a special Fee-simple is in that case only made, as by Judgment may appear in the Book aforesaid, fol 27. and 27 Ed. 3. 41. b. And ever since that Creation, the said Dukedom of *Cornwall* hath been the peculiar Inheritance of the King's eldest Son, during the Life of the King his Father, so that he is ever *Dux natus, non creatus*; and the Duke at the very time of his Birth is taken to be of full and perfect Age, so that he may send that Day for his Livery of the said Dukedom. And the said *Black Prince* was the first Duke of *England* after the Conquest: For though *Bracton*, who made his Book in the Reign of King *Henry* the Third, saith, *& sunt sub rege Duces* (as appeareth) that place is to be understood of the ancient Kings before the Conquest: For in *Magna Charta*, which was made in the Ninth of King *Henry* the Third, we find not the Name *Duke* amongst the Peers and Nobles there mentioned; for seeing the *Norman* Kings themselves were Dukes of *Normandy* for a great while, they adorned none with his Honour. And the eldest Son of every King, after his Creation, was Duke of *Cornwall*: As for example; *Henry* of *Monmouth*, eldest Son of King *Henry* the Fourth, *Henry* of *Wimbor*, eldest Son of King *Henry* the Fifth, *Edward* of *Westminster*, eldest Son of King *Edward* the Fourth, *Arthur* of *Winchester*, eldest Son of King *Henry* the Seventh, and *Edward* of *Hampton*, first Son of King *Henry* the Eighth. But *Richard* of *Burdeaux*, who was the first Son of *Edward* the *Black Prince*, was not Duke of *Cornwall* by force of the said Creation: For albeit, after the death of his Father he was Heir apparent to the Crown; yet because he was not the First-begotten Son of a King (for his Father died in the Life of King *Edward* the Third) the said *Richard* was not within the Limitation of the Grant and Creation by Authority of Parliament made in the Eleventh of King *Edward* aforesaid; and therefore to supply that defect, in the Fifth of *Edward* the Third, he was created Duke of *Cornwall* by special Charter.

*Elizabeth*, eldest Daughter of King *Edward* the Fourth, was not a Dutcheß of *Cornwall*, although she was the First-begotten Daughter of *Edward* the Fourth; for the Limitation is to the First-begotten Son. *Henry* the Eighth was not in the Life of his Father King *Henry* the Seventh, after the Death of his eldest Brother *Arthur*, Duke of *Cornwall*, by force of the said Creation; for although he was sole Heir apparent, yet he was not his eldest-begotten Son.

And the Opinion of *Stamford*, a Learned Judge hath been, That he shall have within his Dukedom of *Cornwall* the King's Prerogative, because it is not severed from the Crown after the form as it is given; for none shall be Inheritor thereof but the King's of the Realm: For example; whereas by Common Law, if a Man hold divers Mannors, or other Lands or Tenements of divers Lords, all by Knights-Service, some part by Priority and ancient Feoffment, and other Land by Posterity and a later Feoffment, and the Tenant so seized dieth, and his Son and Heir within Age, in this case the Custody and Wardship of the Body, and his Marriage may not be divided amongst all the Lords, but one of them only shall have right unto it (because the Body of a Man is entire.) And therefore the Law doth say, That the Lord, of whom some part of those Lands are holden by Priority, and by the same Tenure of Chivalry, shall have it, except the King be any of the Lords; for then though the Tenant did purchase that Land last, yet after his Death the King shall be preferred before any of the other Lords of whom the Tenant did hold the Priority. And so shall the Duke of *Cornwall* in the same Case have the Prerogative, if his Tenant die, holding of him but by posterity of Feoffment for any Tenure of his Dutchy of *Cornwall*, although the same Duke is not seized of any particular Estate, whereof the Reversion remaineth in the King; for the Prince is seized in Fee of his Dukedom, as before said.

*John* of *Gaunt*, the fourth Son of King *Edward* the Third, took to Wife *Blanch*, Daughter and Heir of *Henry* Duke of *Lancaster*, who had Issue *Henry* King of *England*; so that the said Dutchy of *Lancaster* did come unto the said *Henry* by descent from the party of his Mother; and being a Subject, he was to observe the Common Law of the Realm in all things concerning his Dutchy. For if he would depart in Fee with any thereof, he must have made Livery and Seisin; or if he had made a Lease for Life, reserving Rent with a Re-entry for default of payment, and the Rent happen to be behind, the Duke might not enter without making his Demand; or if he had alienated any part thereof whilst he was within Age, he might defeat the Purchaser for that Cause; and if he would grant a Reversion of an Estate for Life or Years in being, there must also be Attornment, or else the Grant doth not take effect.

But after that he had deposed King *Richard* the Second, and did assume the Royal Estate, and so had conjoyned his Natural Body in the Body Politick of the King of this Realm, and so was become King; then the Possession of the Dutchy of *Lancaster* was in him as King, but not as Duke, which Degree of Dignity was swallowed up in that of the King; for the lesser must always give place to the greater. And likewise the Name of the Dutchy, and the Franchises, Liberties, and Jurisdictions thereof, when in the King's Hands, were by the Common Law extinct; and after that time the Possessions of the Dutchy of *Lancaster* could not



pass from *Henry* the Fourth by Livery of Seisin; but by his Letters Patents under the Great Seal, without Livery of Seisin, and with Attornment. And if he make a Lease for Life, being Duke, reserving a Rent with a Re-entry for default of Payment; and after his Assumption of the Crown, his Rent happen to be unpaid, he might re-enter without Demand; for the King is not bound to such personal Ceremonies as his Subjects are.

Therefore to have the said Duchy to be still a Duchy with the Liberties to the same, as it was before, and to alter the Order and Degree of the Lands of the Duchy from the Crown, the said King *Henry* the Fourth made a Charter by Authority of Parliament, which is entituled *Charta Regis Hen. 4. de separatione Lancastrie à corona auctoritate Parliamenti Anno Regni sui primo*, as by the Tenor thereof may appear. And so by Authority of that Parliament, the said Duchy, with all the Franchises and Liberties was meely resigned from the Crown, and from the Ministers and Officers thereof, and from the Order, to pass by such Conveyance which the Law did require in the Possessions of the Crown. But now the Possessions of the Duchy by force of the said Statute, stood divided from the Crown, and ought to be demeaned and ordered, and pass as they did before *Henry* the Fourth was King; yet there is no Clause in the Charter which doth make the Person of the King (who hath the Duchy) in any other Degree than it was before.

But Things concerning his Pleasure shall be in the same estate as they were before such Separation: Inasmuch, as if the Law before the Charter, by Authority of Parliament, adjudging the Person of the King always of full Age, having regard unto his Gifts, as well of the Lands which he doth inherit in the Right of his Crown, or Body Politick, it shall be so adjudged for the Duchy Land after the said Statute; for the Statute doth go and reach unto the Estate, Order, and Condition of the Lands of the Duchy, but doth not extend unto the Person of the King, who hath the Lands in Points touching his Person. Neither doth that distinguish, or alter the Preeminences which the Law doth give to the Person of the King: For if King *Henry* the Fourth, after the said Act had made a Lease, or other Grant of parcel of the Duchy, by the Name of *Henry* Duke of *Lancaster* only, it had been void; for it should have been made in the Name of *Henry* the Fourth, King of *England*.

And thus stood the Duchy of *Lancaster* severed from the Crown all the Reign of *Henry* the Fourth, *Henry* the Fifth, and *Henry* the Sixth, being politickly made for the upholding of the Duchy of *Lancaster*, their true and ancient Inheritance; however the right Heir to the Crown might, in future Time, obtain his Right thereunto (as it happen'd in King *Edward* the Fourth's Time:) But after the said King *Edward* obtained his Right unto the Crown, in Parliament he attainted *Henry* the Sixth, and appropriated and an-

nexed the said Duchy again to the Crown, as by the Statute thereof made in the first of the King's Reign it doth appear. By which Statute three Things were ordained: First, The County Palatine of *Lancaster* was again established: Secondly, He did invest it in the Body Politick of the Kings of this Realm: And Thirdly, He did divide it from the Order of the Crown Land. And in this Form it continued until *Henry* the Seventh, who forthwith (being descended from the House of *Lancaster*) did separate it only in Order and Government from the Crown, and so it continueth at this Day.

*Ceremonies to be observed in the Creation of a Duke.*

At the Creation of a Duke he must have on him his Surcoat and Hood, and should be led between two Dukes, if there be any present, if not, a Marquis or two, and for want of either, an Earl; somewhat before him, on the right Hand, shall go an Earl which shall bear a Cap of Estate with the Coronet in it; and on the other side shall also go an Earl which shall bear the Golden Rod; and before the Duke that is to be created should go a Marquis, or one of the greatest Estate, to bear the Sword; and before him an Earl to bear the Mantle or Robe of Estate lying on his Arms. And all these Nobles that do Service must be in their Robes of Estate.

His Title is proclaimed twice, and the Largest thrice.

‘ Dukes are usually stiled by the King, our Right Trusty and Right entirely Beloved Cousins; but when of his Majesty's most Honourable Privy Council, with the addition of, and Counsellors.

‘ The High, Puissant and most Noble Prince, *Thomas Howard*, Duke of *Norfolk*, Hereditary Earl Marshal of *England*, Earl of *Arundel*, *Surrey*, *Norfolk* and *Norwich*, Baron *Mowbray*, *Howard*, *Segrave*, *Breuse* (of *Gower*) *Fitz-Alan*, *Warren*, *Clune*, *Oswaldstree*, *Matravers*, *Greylock*, *Furnival*, *Verdon*, *Lowtot*, *Strange* (of *Blackmere*,) and *Howard* of *Castlerising*; after the Princes of the Royal Blood, first Duke, Earl and Baron of *England*.

*Creations.*

‘ Baron *Howard de Howard*, by Patent and by Summons 15 Oct. 49 Hen. 6. (1470.) in the 10th Year of King *Ed. 4.* And also by Summons of King *Ed. 4.* 19 Aug. 12 Ed. 4. (1472.) Earl Marshal and Duke 23 June 1 Rich. 3. (1483.) Earl of *Surrey* 28 June 1 Rich. 3. (1483.) confirmed 3 Nov. 8 H. 7. (1492.) and again 13 May 1 H. 8. (1509.) again Earl of *Surrey* and Duke 1 Feb. 5 Hen. 8. (1513.) and 1 Jac. 1. (1603.) Earl of *Arundel* [a feudal Honour or local Dignity] as anciently adjudged in Parliament 8 July 11 H. 6. (1433.) by Inheritance and Possession of the Castle only,



without any other Creation or Summons to the Parliament 16 Jan. 23 Eliz. (1580.) by Descent; originally as well before as after the Conquest by King Will. 1. and by Maud the Empress (*temp. Steph.*) confirmed by K. H. 2. and also 27 June 1 R. 1. (1189.) Earl of Norfolk 6 June 20 Car. 1. (1644.) Baron Howard of Castlerising in Com' Norf. by Patent 27 Mar. 21 Car. 2. (1669.) Earl of Norwich, and Earl Marshal Hereditary 29 Oct. 24 Car. 2. (1672.) Baron Mowbray and Matravers, by Writ of Summons 21 March 31 Car. 1. (1639.) and by Descent again, Baron Mowbray by Writ of Summons 6 March 31 Car. 2. (1678.) originally 8 June 22 Ed. 1. (1294.) Duke of Norfolk by Act of Parliament, with an Entail upon the Heirs Males, and divers Limitations 8 May 13 Car. 2. (1661.) the other Titles by Descent.

## Arms.

Gules, a Bend between 6 Crosses Croflets, fitché, Argent, with an Augmentation, viz. in the middle of the Bend an Inescutcheon, Or, charged with a Demi-lyon rampant, pierced through the Mouth with an Arrow within a double Tressure contré fleury Gules. Crest; on a Chapeau, Gules, turn'd up, Ermine, a Lyon of England, i. e. passant guardant, princely crown'd, Or, and gorg'd with a Label, of 3 Points, Argent: Since it is altered to a Lyon of England, gorg'd with a Ducal Coronet, Argent, as being before too near to the Crest of the King's Son and Heir. As Earl of Arundel, on a Mount, Vert, an Horse passant, Argent, with an Acorn Slip in his Mouth, proper, and sometimes out of a Ducal Coronet, Gules, a Griffin's Head between two Wings, Argent. But their proper Crest is upon a Chapeau, as before, a pair of Wings each, charged with the Arms of Howard. Supporters; On the Dexter side, a Lyon, Argent; and on the Sinister, an Horse of the same, holding an Acorn Slip in his Mouth, proper; But before their Match with the Heiress of Arundel, the Sinister was as the Dexter, a Lyon.

Charles Seymour, Duke of Somerset, Earl of Hertford, Viscount Beauchamp, Baron Seymour Beauchamp of Hache, and Seymour of Troubridge, Lord of the Honours of Cockermouth and Petworth, Knight of the most Noble Order of the Garter.

## Creations.

Viscount 5 June 28 H. 8. (1536.) Earl 18 Oct. 29 H. 8. (1537.) Baron Seymour by Patent 15 Feb. 1 Ed. 6. (1546.) with Limitation to the Heirs Male of a second Wife, and for default, to the Heirs Male by his first Wife. Duke 16 Feb. 1 Ed. 6. (1546.) Baron Beauchamp of Hache, in Com' Somerset; and again, Earl by Patent 13 Jan. 1 Eliz. (1558.) A further Grant of Baron of Parliament and of Earl 14 March 16 Jac. 1. (1608.) and Baron

Seymour of Troubridge in Com' Wilts by Patent 19 Feb. 16 Car. 1. (1640.)

## Arms.

Quarterly, 1 and 4, an Augmentation, viz. Or, on a Pile Gules, between six Fleurs de Lys, Azure, three Lyons of England: Secondly, the Paternal Coat of Seymour, viz. Gules, two Wings conjoined in Lure, Or, within a Garter, as Knight of that Noble Order. Crest, out of a Crown, Or, a Phoenix in Flames, proper. Their Original Crest on a Wreath a pair of Wings conjoined in Lure, and crowned, Or. Supporters; that on the Right, an Unicorn, Argent, armed, unguled, and gorged with a Ducal Coronet and Line, Or: On the Sinister side, a Bull, Azure, gorged with a like Coronet. Motto, *Foy pour devoir.*

Charles Fitz Roy, Duke of Cleveland and Southampton, Earl of Chichester, and Baron of Nonsuch and Newbury, Knight of the most Noble Order of the Garter.

## Creations.

Duke of Southampton, Earl of Southampton and Chichester, and Baron Newbury (of Newbury, in Com' Berks) by Patent 10 Sept. 27 Car. 2. (1675.) Duke of Cleveland, Earl of Southampton, and Baron of Nonsuch in Com' Surrey, upon his Mother's Death, (Barbara Wife to Roger Palmer Earl of Castlemain) who died 1709. and had been created Dutchess of Cleveland, Countess of Southampton, and Baroness of Nonsuch for Life, with Remainder to this her Son Charles, and Heirs Male in default to his Brother George, her Natural Sons by King Charles II. by Patent 3 Aug. 22 Car. 2. (1670.)

## Arms.

The Arms of King Charles II. viz. Quarterly, 1 and 4, France and England quarterly quartered; Secondly, Scotland, and Thirdly, Ireland, over all a Basson Sinister, Ermine, all within a Garter, as Knight of that Order. Crest; On a Chapeau, Gules, lined Ermine, a Lyon of England passant guardant, Or, the same collared componé, Ermine and Azure, and crowned of the last. Supporters, On the Dexter side, a Lyon guardant, Or, crowned Azure; on the Sinister, a Greyhound Argent, both collared as the Crest.

Charles Lenox, Duke of Richmond and Lenox, Earl of March and Darnley, Baron of Settrington and Methuin, Knight of the most Noble Order of the Garter.

## Creations.

Baron Settrington of Settrington in Com' Ebor', Earl of March, and Duke of Richmond, by Patent 9 Aug. 27 Car. 2. (1675.) [English Honour.] Baron of Methuin, Earl of Darnley



• Darnley, and Duke of *Lenox*, by Patent 9 Aug. 27 Car. 2. (1675.) [*Scots Honours.*]

*Arms.*

• The Arms of King *Charles II.* within a *Bordure componè*, *Argent* and *Gules*; the First charged with *Roses*, of the Second barbed and seeded, proper, within a Garter, as Knight of that Order. Crest, On a Chapeau, *Gules*, lined *Ermine*, a *Lion of England*, i. e. passant gardant, Or, the same crowned, *Azure*, and gorg'd with a Collar *componè*, *Argent* and *Azure*; the former charg'd with *Roses*, *Gules*. Supporters, On the Dexter Side, an Unicorn, *Argent*, arm'd, main'd, &c. Or; and on the Sinister, a Greyhound, *Silver*, both collared as the Crest. Motto, *En la rose je fleurie.*

• But I have been since inform'd, that his Grace's true Dexter Supporter, is an Antelope collar'd, attired, &c. as the Unicorn.

• *Charles Fitz-Roy* Duke of *Grafton*, Earl of *Euston* (and Heir in Reversion to the Earldom of *Arlington*) Viscount *Ipswich*, and Baron of *Sudbury*.

*Creations.*

• Baron, Viscount and Earl by Patent 16 Aug. 24 Car. 2. (1672.) and Duke 11 Sept. 27 Car. 2. (1675.)

*Arms.*

• The Arms of King *Charles II.* with a *Basston Sinister componè*, *Argent* and *Azure*. Crest, On a Chapeau, *Gules*, lined, *Ermine*, a *Lion of England*, i. e. passant gardant, Or, the same crowned, *Azure*, and collar'd counter *componè*, *Argent* and of the Fourth, Supporters; On the Right, a *Lion* gardant, Or, crown'd, *Azure*; On the Left, a *Greyhound*, *Argent*, both collar'd as the Crest.

• *James Butler*, Duke, Marquiss, and Earl of *Ormond*, Earl of *Brecknock* and *Offory*, Viscount *Thurles*, Baron *Butler* of *Lanthony*, and *Butler* of *Moor-Park*, Baron of *Arco*, and Chief *Butler* of the Kingdom of *Ireland*, and Knight of the most Noble Order of the Garter.

*Creations.*

• Earl of *Ormond* 2 Nov. 2 Ed. 3. (1328.) Earl of *Offory*, temp' H. 8. Again, Earl of *Ormond* in lieu of *Offory*, 23 Feb. 20 H. 8. (1527.) Again, Earl of *Ormond*, after *Bullen*. Earl of *Ormond's* Death 22 Febr. (1537.) Confirm'd Earl of *Ormond* by Parliament . . . . (1541.) Again Earl of *Ormond*, as also *Offory* 13 July 1 Jac. 1. (1603.) Marquiss 30 Aug. 18. Car. 1. (1642.) Duke of *Ormond* 13 Mar' 13 Car. 2. (1660.) Viscount *Thurles* and Baron of *Arco* by Patent 11 May . . . . (1535.) [*All Irish Honours.*] Earl of *Brecknock*, and Baron *Butler* of *Lanthony*, in Com' *Monmouth*, by Patent 20 July 12 Car. 2. (1660.)

†

• Duke of *Ormond* in *England*, 9 Nov. 34 Car. 2. (1682.) Baron *Butler* of *Moor-Park* in Com' *Hertford*, by Summons 14 Sept. 18 Car. 2. (1666.) [*English Honours.*]

*Arms.*

• Quarterly, 1 and 4, Or, a Chief indented, *Azure*, as his Paternal Arms, 2 and 3, *Gules*, three covered Cups, Or, the Arms of his Office, as Lord Chief Butler of the Kingdom of *Ireland*, within a Garter, as Knight of that Order; Crest, Out of a Ducal Crown, Gold, a Plume of Feathers, *Argent*, and out of it a Falcon, rising of the same. Supporters; On the Dexter side, a Falcon, *Argent*; and on the Sinister side, a Male Griffin, *Silver*; the latter collared and pinioned, Or. Motto; *Come je trouve.* Impeach'd and Attainted in Parliament, 1 King *George*.

• *Henry Somerset*, Duke of *Beaufort*, Marquiss and Earl of *Worcester*, Earl of *Glamorgan*, Viscount *Grosfont* and *Caldecot*, Baron *Herbert*, Lord of *Ragland*, *Chepstow* and *Gower*.

*Creations.*

• Baron *Herbert* of *Ragland*, *Chepstow* and *Gower* in *Wales*, jure *Uxoris*, and by Patent 26 Nov. 22. H. 7. (1506.) Originally by Descent and Summons. 26 July 1 Edw. 4. (1461.) Earl 1 Feb. 5 H. 8. (1513.) Marquiss 2 Nov. 13 Car. 1. (1642.) Viscount and Earl of *Glamorgan*, 21 Car. 1. (1645.) and Duke 2 Dec. 34 Car. 2. (1682.)

*Arms.*

• Quarterly, *France* and *England*, a *Bordure componè*, *Argent* and *Azure*. Anciently, Or, on a *Fess* bordured *gobone*, *Argent* and *Azure*, *France* and *England*, quarterly. Crest; A Portcullis, Or, nailed, *Azure*, Chains pendant thereto, Gold, (a Badge of the House of *Lancaster*.) Anciently the Crest, a Panther *Argent*, diversly spotted and gorged with a Ducal Coronet, Or. Supporters; On the Dexter side, as (devised from the Crest) a Panther proper, gorg'd with a Coronet ducal, and chained, Or, on the Sinister a Wyvern, *Vert*, holding in his Mouth an Hand couped at the Wrist, *Gules*. Motto; *Mutare vel timere Spero.*

• *George Fitz-Roy*, Duke and Earl of *Northumberland*, Viscount *Falmouth*, Baron of *Pontefract*, (vulgo *Pomfret*) and Knight of the most Noble Order of the Garter.

*Creations.*

• Baron *Pontefract*, of *Pontefract* in Com' *Ebor*, Viscount and Earl by Patent 1 Oct. 26 Car. 2. (1674.) and Duke 6 Apr. 35 Car. 2. (1685.)

*Arms.*

• The Arms of King *Charles II.* with a *Basston Sinister componè*, *Ermine* and *Azure*, within a Garter, as Knight of that Order. Crest; On a Chapeau



‘ *Chapeau, Gules, turned up Ermine, a Lyon of England, i. e. passant gardant, Or, the same crowned Azure, and collared counter compone, Ermine* and of the fourth. Supporters; On the Dexter side, a Lyon gardant crowned, *Azure*; on the Sinister, a Greyhound, *Argent*, both collared as the Crest. Motto; *Solis splendore virefco.*

‘ *Charles Beauclair, Duke of St. Albans, Earl of Burford, and Baron of Heddington.*

#### Creations.

‘ Baron *Heddington* (of *Heddington* in *Com’ Exon’*) and Earl by Patent 27 Dec. 28 Car. 2. (1676.) and Duke 10 Jan. 35 Car. 2. (1683.)

#### Arms.

‘ The Arms of King *Charles II.* with a *Baston Sinister, Gules*, charged with three *Roses, Argent*, Crest, on a *Chapeau, Gules*, turn’d up *Ermine*, a *Lyon of England* crown’d, *Azure*, gorg’d with a Collar of the first *Gules*, charg’d with three *Roses, Silver*. The Supporters; On the Dexter side an *Antelope*, and on the Sinister a *Greyhound, Argent*, the first attired, hooff’d, &c. Or, and both collared as the Crest.

‘ *Charles Poulet, Duke of Bolton, Marquifs of Winchester, Earl of Wiltshire, and Baron St. John of Basing, and Premier Marquifs of England*; also Kt. of the most Noble Order of the Garter.

#### Creations.

‘ Baron *St. John of Basing* in *Com’ Southampton*, by Patent 9 Mar’ 30 H. 8. (1538.) Earl 19 Jan. 3 Ed. 6. (1549.) Marquifs 12 Octob. 5 Ed. 6. (1551.) and Duke 8 Apr. 1 Will’ & Mar’ (1689.)

#### Arms.

‘ *Sable*, three *Swords*, in *Pile Points* towards the Base, *Argent*, hilted, Or, with a *Crescent* for Difference, within a *Garter* as Knight of the Order. Crest, on a *Wreath*, a *Falcon* rising, Or, and gorged with a *Ducal Crown, Gules*. Supporters; Two *Does*, proper, but Semi of *Stars*, and gorg’d with *Ducal Coronets, Or*. Motto; *Ayez Loyauté.*

‘ *Meinhard Schomberg, Duke of Schomberg and Leinster, Marquifs of Harwich, Earl of Brentford and Bangor, Count of the Sacred Roman Empire and of Mertolla, Baron of Teyes and Tarragh, Baron de Laberssen d’Altorf, Lord of Coubert, Vitry, Soignales, Borneaux, Tancarville, Nogent, &c. Knight of the most Noble Order of the Garter.*

#### Creations.

‘ Baron of *Teyes*, Earl of *Brentford*, Marquifs of *Harwich* and Duke of *Schomberg*, with an Entail of the younger Sons of *Frederick* the first Duke; the youngest to enjoy the Honour first, by Patent 9 May 3 Will’ & Mar’ (1689.)

‘ [*English Honours.*] Count of the Sacred Roman Empire, and of *Mertola* in *Portugal*. . . . . [*Foreign Honours.*] Baron of *Tarragh*, Earl of *Bangor*, and Duke of *Leinster*, by Patent 3 Mar. 4 Will’ & Mar’ (1691.) [*Irish Honours.*]

#### Arms.

‘ Quarterly, 1 and 4, *Azure*, an In-escuchion, *Sable*; over all a Carbuncle of eight *Rayes pomettéé & florette, Or*, which is *Cleve*. 2 and 3, *Gules*, 6 Escucheons 4, 3, 2, 1, *Azure*, for *Schomberg*; over all in pretence, *Gules*, a Chevalier armed, proper, mounted on his Courfe, *Azure*, which is *Mertola*; All within a *Garter* as Knight of that Order. The Crest, as I am credibly inform’d, is out of a *Ducal Coronet, Or*, two *Elephant’s Trunks, Sable*. The Supporters are certainly two *Lyons* regardant, proper; and the Motto, *Quo fata vocant*. His Grace often useth but the first Quarter, but he ought to carry more.

*Charles Talbot, Duke of Shrewsbury, Marquifs of Alton, Earl of Shrewsbury, Weysford and Waterford, Baron Talbot Strange of Blackmere Furnival, Verdon, Lomtot, Gifford of Brinsfield, Count of Badenagh, Valence and Monchensy; Also Knight of the most Noble Order of the Garter.*

#### Creations.

‘ Baron *Talbot* by Summons 5 June 4 Ed. 3. (1330.) Earl of *Shrewsbury*, 20 March 20 H. 6. (1442.) [*English Honours.*] Earl of *Weisford* 17 July, 23 H. 6. (1436.) Earl of *Waterford*, 17 July, Hen’ 6. (1446.) [*Irish Honours.*] Marquifs and Duke 30 Apr’ 6. Will’ & Mar’ (1694.)

#### Arms.

‘ *Gules*, a *Lyon* rampant within a *Bordure ingrailed, Or*; all within a *Garter*, as Knight of that Order. These were the Arms of a Maternal Ancestor and Daughter of *Rhese ap Griffin*, Prince of *Wales*, their original Coat being *Bendy of 10, Argent and Gules*. Crest, on a *Chapeau, Gules*, turned up, *Ermine*, a *Lyon* passant, his Tail extended, Or. Supporters, two *Talbots, Argent*; and the Motto, *Preft d’Accomplir*.

‘ *Peregrine Osborne, Duke of Leeds, Marquifs of Carmarthen, Earl of Danby, Viscount Latimer and Dunblain, and Baron Osborne of Kiveton (vulgo Keton) and Baronet.*

#### Creations.

‘ Baronet 13 July, 18 Jac. 1. (1620.) Viscount *Dunblain* by Patent 19 June 25 Car. 2. (1673.) [*Scots Honours.*] Baron *Osborne* of *Kiveton* in *Com’ Ebor’* by Patent, and Viscount *Latimer* by Patent 15 Aug. 25 Car. 2. (1673.) Earl 27 June 26 Car. 2. (1674.) Marquifs 20 Apr. 1 Will’ & Mar’ (1689.) And Duke 4 May 6 Will’ & Mar’ (1694.)

#### Arms.



## Arms.

Quarterly, *Ermine* and *Azure*, a Cross, *Or*.  
Crest; On a Wreath, a Tyger passant, *Argent*.  
Supporters, On the Dexter side, a Griffin,  
*Or*, gorged with a ducal Coronet, *Azure*; and  
on the Sinister, a Tyger, *Argent*, gorged after  
the same manner. Motto; *Pax in Bello*.

William Russel Duke of Bedford, Marquiss  
of Tavistock, Earl of Bedford, Baron Russel  
(of Cheney) and Baron Russel (of Thorn-  
haugh) and Baron Howland of Streatham.

## Creations.

Baron Russel, (of Cheney in Com' Bucks, or  
Tavistock in Com' Devon') by Patent 9 Mar.  
30 H. 8. (1538.) Earl, 19 Jan. 3 Ed. 6.  
(1549.) Baron Russel of Thornhaugh (in Com'  
Northampton) by Patent 21 July, 1 Jac. 1.  
(1603.) Marquiss and Duke 11 May, 6 Will'  
& Mar' (1694.) and Baron Howland of Strea-  
tham in Com' Surr', 13 Jan. 7 W. 3. (1695.)

## Arms.

*Argent*, a Lyon rampant, *Gules*, on a Chief  
*Sable*, three Escallops of the first. Crest on a  
Wreath, a Goat passant, *Argent*. Supporters;  
On the Dexter side, a Lyon rampant, *Gules*; on  
the Sinister, an Antelope, *Gules*, gorged with a  
Ducal Coronet, attired and lined, *Or*. Motto,  
*Che Sara Sara*.

William Cavendish Duke of Devonshire, Mar-  
quiss of Hartington, Earl of Devonshire, Baron  
Cavendish of Hardwick, and Knight of the most  
Noble Order of the Garter.

## Creations.

Baron Cavendish (of Hardwick in Com' Derby)  
by Patent 4 May 3 Jac. 1. (1605.) Earl 17  
Aug. 16 Jac. 1. (1618.) Marquiss and Duke  
12 May 6 Will' & Mar' (1694.)

## Arms.

*Sable*, three Harts Heads caboshed, *Argent*, at-  
tired, *Or*, within a Garter, as Knight Companion  
of that most Noble Order. Crest, on a Wreath,  
a Snake now'd in frette, covering his Head with  
his Tail, proper, which is now us'd; sometimes  
they bore an Hart's Head coup'd, proper, gorged  
with a Chaplet of Roses, *Argent* and *Azure*, as  
in the Plate; and sometimes on a Mount, *Vert*,  
a Buck tripping, proper, collared with Roses,  
*Argent* and *Azure*. Supporters; two Harts, pro-  
per, collared or gorg'd with a Chaplet of Roses,  
*Argent* and *Azure*. Motto, *Cavendo tutus*.

John Shesfield Duke of Buckingham and Nor-  
manby, Marquiss of Normanby, Earl of Mul-  
grave, Baron Shesfield of Butterwick, and Knight  
of the most Noble Order of the Garter.

## Creations.

Baron Shesfield (of Butterwick in Com' Linc')  
by Patent 16 Feb. 1 Ed. 6. (1546.) Earl  
7 Febr. 1 Car. 1. (1625.) Marquiss, 10 May  
Will' & Mar' (1694.) and Duke 9 Mar. 1 Q.  
Ann. (1702.)

## Arms.

*Argent*, a Chevron between three Garbs, *Gules*,  
within a Garter, as Knight Companion of that  
most Noble Order. Crest, on a Wreath, a Boars  
Head and Neck erased, *Or*. Supporters; two  
Boars, *Or*. Motto, *Comiter sed fortiter*, anci-  
ently *Preslo*.

John Churchill, Prince of the Sacred Roman  
Empire, or Prince of Mindleheim, Duke of  
Marleborough, Marquiss of Blandford, Earl of  
Marleborough, Baron Churchill of Sandridge,  
and Churchill of Aumouth; also Knight of the  
most Noble Order of the Garter.

## Creations.

Baron Churchill (of Aumouth) by Patent Dec.  
34 Car. 2. (1682.) [Scots Honour.] Baron  
Churchill (of Sandridge, in Com' Hertford')  
by Patent 14 May, 1 Jac. 2. (1685.) Earl of  
Marleborough 9 Apr. 1 Will' & Mar' (1689.)  
Marquiss and Duke 14 Decemb. 2 Q. Anne.  
(1702.) [English Honours.] Prince of the  
Sacred Roman Empire, by the Emperor Leo-  
pold II. And again, by the same Emperor  
distinguished Prince of Mindleheim in Suabia,  
to him and his Heirs Males, (1705.) [a Ger-  
man Honour.]

## Arms.

*Sable*, a Lyon rampant, *Argent*, a Canton of  
St. George, viz. *Silver* a Cross, *Gules* within a  
Garter, as Kt. Companion of that Princely Order.  
Anciently, *Sable*, a Lyon rampant, *Azure*, de-  
bruised with a Bendlet, *Gules*. Crest, on a Wreath,  
a Lyon guardant couchant, *Gules*, sustaining a  
Banner, *Argent*, charged with an Hand of Ulysses,  
viz. an Hand sinister erect and coup'd at the  
Wrist, *Gules*. Their ancient Crest was a Demi-  
Lyon, *Argent*. Supporters, two Wyverns, *Gules*;  
that on the Right having St. George, or the  
English Ensign, viz. *Argent*, a Cross, *Gules*; that  
on the Left St. Andrew, or the Scots Ensign,  
viz. *Azure* a Saltire, *Argent*, depicted on Targets  
or oval Shields, upon each of their respective  
Breasts, and suspended on their Necks by Col-  
lars of Gold. Motto, *Fiel pero desdicao*. But  
as Prince of the Empire, he bears the Arms only  
on the Breast of the Imperial Eagle, viz. a  
Double-headed Eagle displ'y'd, *Sable*, *Dialem'd*,  
*Or*, i. e. their Heads encircled with Rounds or  
Orbits of Gold. That being his Supporter.

John Manners Duke of Rutland, Marquiss of  
Granby, Earl of Rutland, Baron Roos (of Ham-  
lake) Truesbut and Belvoir, and Baron Manners  
of



of *Haddon* : Also Knight Companion of the most Noble Order of the Garter.

*Creations.*

Baron *Roos*, by Descent and Summons, 12 Nov. 7 H. 8. (1715.) Anciently 23 June, 23 Ed. 1. (1295.) and 8 June, 22 Ed. 1. (1294.) Originally 24 Dec. 49 H. 3. (1264.) Baron *Rost* (of *Hamrack*,) in Com' *Ebor*, by special Patent, 22 July, 14 Jac. 1. (1616.) Earl, 18 June, 17 Hen. 8. (1525.) Baron *Maners* (of *Haddon*, in Com' *Derb*,) by Summons, 7 Oct. 31 Car. 2. (1679.) Duke and Marquiss, 10 Mar' 3 Q. Ann. (1703.)

*Arms.*

Or, two Boars, Azure, a Chief quarterly of the Second, and Gules; the First and Fourth charged with two Fleuer-de-Lys of France; and the Second and Third with a Lion of England, within a Garter, as a Knight of that Noble Order. This Chief was anciently plain, Gules, and a Brisure; the Charge thereon being an Augmentation given to the first Earl of the Family. Crest, on a Chapeau, Gules, turn'd up, Ermine, a Peacock in Pride, proper. Supporters, two Unicorns, Argent, armed, unguled, &c. Or. Motto, *Pour y Parvenir*.

John Montagu, Duke of Montagu, Marquiss of Montbermer, Earl of Montagu, Viscount Montbermer, and Montagu of Boughton.

*Creations.*

Baron by Patent, 29 June, 19 Jac. 1. (1621.) Viscount and Earl, 9 Apr. 1 Will' & Mar' (1689.) Marquiss and Duke, 12 Apr. 4 Q. Ann. (1689.)

*Arms.*

Quarterly two Coats: The First and Fourth, Argent, 3 Lozenges conjoined in Fesse Gules, within a Bordure, Sable; which Bordure was originally a Difference. The Second and Third, Or, an Eagle display'd, Vert, Beak and Members, Gules, for Montbermer. Crest, on a Wreath, a Griffin's Head, couped, Or, with Wings, In dorsi, and Beque, Sable. Supporters, two Griffins, Or, winged, bequed, and member'd, Sable. Motto, *Spektamur agendo*: Sometimes, *Aquitas actionum regula*.

Charles Douglass, Duke of Dover, Marquiss of Beverley, Earl of Salloway, Viscount Tibbers, and Baron of Rippon.

*Creations.*

Earl of Salloway, and Viscount Tibbers, Octob. .... Q. Ann. (1707.) [*Scots Honour*.] Baron of Rippon, in Com' *Ebor*. Marquiss and Duke by Patent to James Duke of Queensbury, with an Entail to Charles, aforesaid, his younger Son.

*Arms.*

Quarterly, First and Fourth, Argent, an Human Heart, Gules, imperially crowned, Or, on a Chief, Azure, three Mulletts, Argent. Second and Third, Azure, a Bend inter fix Cross Crosets, Or, for Marr of Marr. All the Quarters within a Bordure, Or, charged with a Tressure Counterfleury of Scotland, an Augmentation granted this Family by King Charles II. a Mullet Difference; Crest, an Human Heart, Gules, imperially crown'd, between two Wings display'd. Supporters; on each Side a Pegasus, Or.

Henry de Grey, Duke, Marquiss, and Earl of Kent, Earl of Castle-Gooderick, Vicount Harold, in Com' Bedford, Baron Grey, and Baron Lucas of Crudewell, Lord Hastings and Weisford, Chief of the ancient and illustrious House of Grey; from which are descended and branched the Barons of Rotherfield, Codnor, Wilton, Ruthin, Groby, and Rugemont, the Viscount Lisle, the Earl of Stamford, the Marquiss of Dorset, and the Duke of Suffolk: All of that Surname.

*Creations.*

Earl, 30 May, 5 Ed. 4. (1465.) confirm'd 2 R. 3. (1484) and again 2 H. 7. (1486.) Viscount Harold, in Com' Bedf. Earl of Castle-Gooderick, and Marquiss of Kent, by Patent, 13 Dec. 5 Q. Anne, (1606.) and Duke, 15 Apr. 9 Q. Anne, (1710.) Baron Lucas (of Crudewell, in Com' Wilts) by Descent, originally by Patent to his Mother, with an Entail to her Descendants, by the Earl of Kent, Male and Female, 7 May, 15 Car. 2. (1663.)

*Arms.*

Barry of Six, Argent and Azure, in Chief, three Torteauxes; which being a Difference, is of late omitted. Crest, on a Chapeau, Gules, turn'd up, Ermine, a Wyvern, Or, laying his Talon on the Stock of a Tree crested, Sable. Supporters, two Wyverns. Motto, *Foy pour Tout*. The Stock of the Tree is usually omitted by his Grace.

*Creations.*

James Hamilton-Douglass, Duke of Brandon, Hamilton, and Castleberault, Marquiss of Chaldisdale, Earl of Arran, Viscount Lavarci, Baron Dutton of Dutton, Baron Even, Arboth, and Innerdale.

Duke of Hamilton, and Marquiss, Earl, Viscount, and Baron Even, &c. by Patent, .... Car. 2. (1660.) [*Scots Honours*.] Duke of Castleberault, eod' tempore. [*French Honour*.] All originally in the Family of Hamilton, whose Heir was married to the eldest Son of Douglass, Marquiss of Douglass, by a second Wife; upon which Marriage the Name of Hamilton was assumed. Baron Dutton of Dutton, in Com' *Cestr*, and



and Duke of Brandon, by Patent 10 Sept.  
10 Q. Anne, (1711.)

Arms.

Those of Hamilton, viz. Gules, three Cinquefoils, Ermine, quartering his proper Coat of Douglas, viz. Argent, a Man's Heart crown'd, proper, on a Chief, Azure, three Mulletts of the first. Crest, (for Hamilton) out of a Crown, Or, an Hawthorne-Tree, Proper, with a Saw penetrating in traverse, Argent, framed, Or. And Supporters, two Antilopes, Argent, attired, proper, ducally gorged, and Chain, Or. Motto, *Througb.*

I have been credibly informed that his Grace did not always quarter his own Coat of Douglas; but bore formerly, if not now, as in the Plate. But this, certainly, is the most proper Way.

Robert Bertie, Duke of Ancaster and Kesteven, Marquiss and Earl of Lyndsey, Baron Willoughby of Eresby, and Hereditary Lord Great-Chamberlain of England, and Forester.

Creations.

Baron Willoughby (of Eresby, in Com' Lanc') by Summons, 16 Jan. 23 Eliz. (1580.) by Descent, originally, 26 July, 7 Ed. 2. (1313.) Earl, 22 Nov. 2 Car. 1. (1626.) Marquiss, 29 Dec. 5 Q. Anne (1706.) And Duke, July, 1 Geo. (1715.)

Arms.

Argent, three Battering-Rams, Bar-wise, in Pale, proper, (i. e. Azure) headed and hooped, Or. Crest; That of the Barons Willoughby, viz. On a Wreath, the Bust of a King named Cann, full-faced, proper, and crined, Or. Anciently, sometimes on a Wreath, a Lion's Head, guardant, between two Batts Wings, Or. The latter *Frette*, Azure. Their proper Crest, as Bertie, a Pine-Tree, proper. Supporters, on the Dexter Side a Friar vested in Ruffet, with his Staff and *Pater-noster*, Or; and on the Left a Savage Man, proper. Motto, *Loyalty me oblige.* Sometimes, *Virtus ariete fortior.* And anciently, *Natura vado virtute volo.*

Thomas Hollis-Pelham, Duke of Newcastle, Marquiss and Earl of Clare, Viscount Haughton, and Baron Pelham of Laughton.

Creations.

Baron Pelham (of Laughton, in Com' Sussex) by Patent, 29 Dec. 5 Q. Ann. (1706.) Viscount and Earl, on the Coronation of the King, 1 Geo. (1714.) Marquiss and Duke, July, 2 Geo. (1715.)

Arms.

Quarterly, First and Fourth, Azure, three Pellicans, Argent: Second and Third, Gules, two Belts issuing out of the Base, and erect, Argent, Buckles and Studs, Or. Crest, on a Wreath, a Peacock in Pride, Argent. Supporters, on the Dexter Side an Horse dunn; and on the Sinister a Bear, proper; both gorged with Belts, Argent, buckled, Or. Motto, *Vicit amor Patriæ.*

Evelyn Pierpont, Duke of Kingston, Marquiss of Dorchester, Earl of Kingston (upon Hull) Viscount Newark, and Baron Pierpont of Holme-Pierpont, Baron Mamwars and Herris.

Creations.

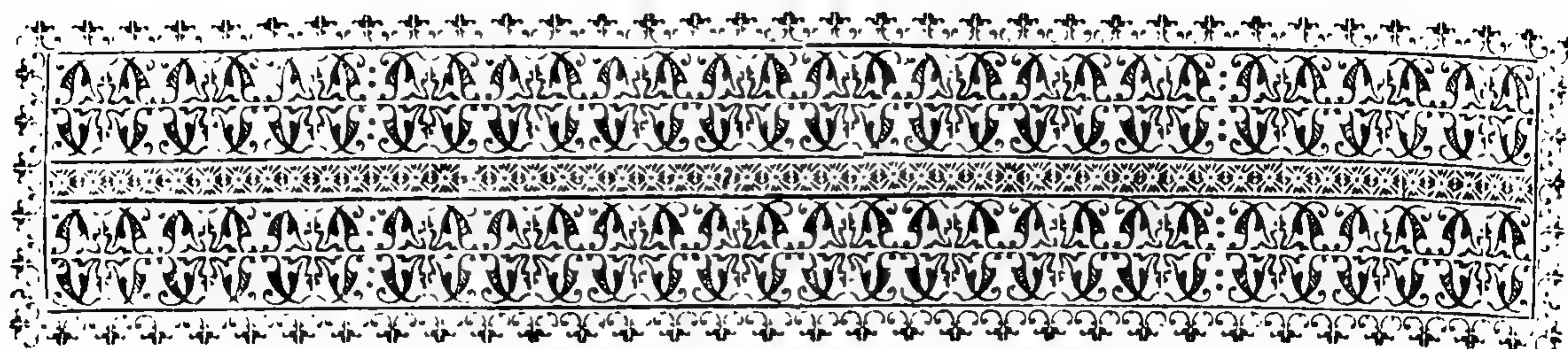
Baron Pierpont (of Holme-Pierpont, in Com' Nottingham) and Viscount Newark, by Patent, 29 June, 3 Car. 1. (1627.) Earl, 25 July, 4 Car. 1. (1628.) Marquiss, 29 Dec. 5 Q. Ann. (1706.) And Duke about August, 2d. of K. George (1715.)

Arms.

Argent, Semi de Cinquefoils, Gules, a Lion rampant, Sable, anciently Azure, a Chief, Checq, Or and Gules. Crest, on a Wreath, a Fox passant, Gules: I rather think it a Wolf; for they quarter Malovel. Anciently, sometimes an Urchin, Or, from Herris's Arms. Anciently also, a Lion rampant, Sable, holding a Trefoil; and as their proper Crest, a Lion rampant, Sable, between two Wings, Argent. Supporters, two Lions, Sable, langued and armed, Gules. Motto, *Pie reponere te.*







O F

# MARQUISSES.

## C H A P. V.



**M**ARQUISS, which by the *Saxons* is called *Marken-Reue*, and signifieth a Governor or Ruler of the *Marches*, hath the next Place of Honour to a Duke. This Title came to us but of late Days; for the first was *Robert Vere*, who was created Marquis of *Dublin* by King *Richard* the Second, and from that time it became to be a Title of Honour; for in former time those that governed the *Marches* were commonly called *Lord Marchers*, and not *Marquisses*.

After the *Normans* had conquered this Land, it was by them carefully observed, as a Matter of great Moment, to place upon the Confines and Borders of the *Britains* (and those not then subdued) Men of much Valour; such that were not only sufficient to encounter the Inrodes and Invasions of the Enemy, but also ready upon all Occasions to make onset upon them for the enlarging their Conquest. These Men thus placed were of high Blood and Reputation amongst their Country-men, the *Normans*, and in whose Faith the Conqueror reposed special Trust and Confidence: And therefore in their Territories given unto them to hold, their Tenures were devised to be very special, and of great Importance and Honour, enriched with Name and Privileges of Earl of *Chester*; and so the North-border of *Wales* created to a County Palatine; and the Barons of the middle part of the South *Marches* were adorned in a manner with a Palatine Jurisdiction, having a Court of *Chancery*, and Writs only amongst themselves pleadable, to the Intent that their Attendance might not thence be drawn

for the prosecuting of Controversies or Quarrels in the Law. And as for the other part of the South *Marches*, they seemed to be sufficiently fenced with the River *Severn* and the Sea.

A Marquis is created *per gladii cincturam, & circuli aurei suo capiti positionem*. He is honoured with a Coronet of Gold, which is part flowered, and part pyramidal, with the Points and Flowers, or Leaves of an equal Height: His Mantle is doubled Ermin, which is of three Doublings and an half; whereas the Mantle of an Earl is but of three, and the Doublings of a Viscount's Mantle is but two and a half, which are only plain white Furr without Ermins, as are the Barons, which are but of two Doublings.

The Form of their Patent (which at their Creation is delivered into their Hands) was various; but of late 'tis regulated to the Method of those of other Degrees, and the Ceremonies the same. This Honour is Hereditary, and the eldest Son, by the Courtesie of the Land, is called Earl, or Lord of a Place; and the younger Sons only Lord *John*, Lord *Thomas*, or the like.

He hath the Title of most Noble and Puissant Prince, and may have his Cloth of Estate reaching within a Yard of the Ground, the King or a Duke not being present; and his Marchioness may have her Train born up by a Knight's Lady in her own House, but not in a Dutchesse's Presence.

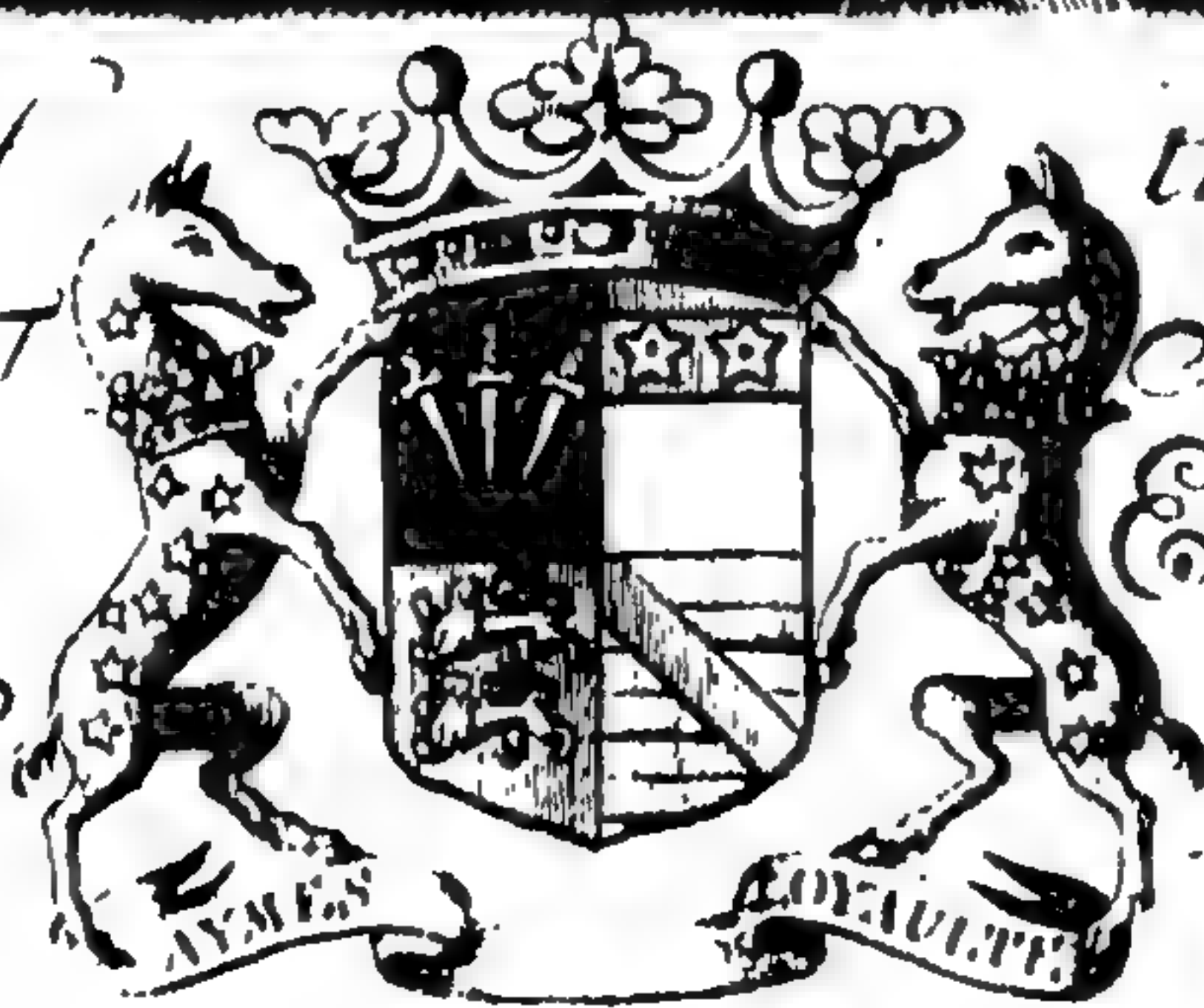
A Marquis's eldest Son is born an Earl, and shall go as an Earl, and have his Essay in an Earl's presence, and wear as many Powdrings as an Earl, but shall give place to an Earl; and his Wife shall go beneath a Countess, and above all

Mur-





The Effigies of  
 CHARLES PAULET  
 MARQUESS OF  
 AND BARRON  
 Basing.



the most Noble  
 MARQUESS OF  
 EARLE OF WILSH:  
 S. JOHN OF  
 &c.



Marquesses Daughters, who are born Ladies, and the eldest a Countess, but shall go beneath a Countess.

At the Creation of a Marquis, he must have on him his Surcoat and Hood, and be led by a Duke or Marquis; the Sword and Cap to be born by Earls. He must go after his Creation, not after his Marquessite, and the Marchioness his Wife according to the same.

Marquesses are usually styled by the King, Our Right Trusty and entirely Beloved Cousins, and (if of his most Honourable Privy Council) with the Addition of Counsellors.

Philip Wharton, Marquis of Wharton and Malmesbury, Marquis of Catherlogh, Earl of Wharton and Rathfarnham, Viscount Winchendon, Baron Wharton of Wharton, Baron of Trim, and Lord of Helagh.

Creations.

Baron Wharton (of Wharton, in Com' Westmorland) by Summons, 30 Jan. 36 H.8. (1544.)

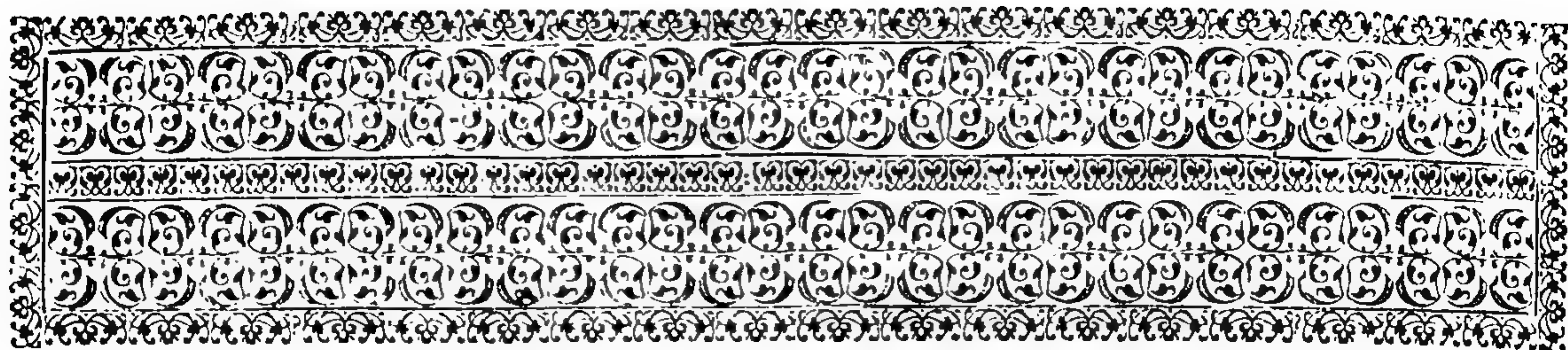
Viscount and Earl of Wharton, 29 Dec. 5 Q. Ann. (1706.) Marquis of Wharton and Malmesbury, 1 Jan. 1 Geo. (1714.) [English Honours.] Baron of Trim, in Com' Meath; Earl of Rathfarnham, in Com' Dublin; and Marquis of Catherlogh, in Com' Catherlogh, 1 Jan. 1 George (1714.) [Irish Honours.]

Arms.

Sable, a Maunch, Argent, within a Bordure, Or, charged with eight couple of Lions Gambs saltierwise erased, Gules. Crest, on a Wreath, a Bull's Head erased, Argent, armed, Or, main'd, Sable, and Ducal, gorged per pale, Gold and Gules. Supporters, on the Dexter Side, a Bull, Argent, main'd, Sable, armed, Or, and Ducally gorged per pale, Gules and Gold. On the Sinister Side, a Lion, Gules, fretty, Or, or the Scots Lion in a Net. Motto, Plesyr in felts des Arms. Anciently, Dio volendo de le faro.







# O F E A R L S.

## C H A P. VI.



THE next Degree of Honour is an Earl, which Word and Title came from the *Saxons*: For it is observed, That originally within this Realm, in the ancient *English-Saxon* Government, Earldoms of Counties were not only Dignities of Honour, but Offices of Justice, having the Charge and Custody of the County whereof they were Earls; and for their Assistance, had their Deputy, called *Vicecomes*: Which Office is now managed by Sheriffs, each County having his Sheriff Annually chosen out of the eminent Inhabitants thereof under the Degree of *Nobiles Majores*. And the Earls in recompence of their Travels concerning the Affairs of the County, then received a Salary, *viz.* a third Penny of the Profits of the County; which Custom continued a long time after the Conquest, and was inserted as a Princely Benevolence in their Patents of Creation (as by divers ancient Patents may appear) which afterwards were turned into Pensions for the better support of that Honour, as appeareth by a Book-Case 32 *Hen.* 6. 28. And therefore in respect of such Pensions, or such other Gratuities given in lieu thereof, some Men have not without probability thereof imagined, *quod Comites nominabantur, quia à multis fisci Regii seu & Comites eundem participes essent.*

The Word *Earl* by the *Saxons* was called *Erlig* or *Erling*; by the *Germans*, *Graves*, as *Lantgrave*, *Palgrave*, *Margrave*, *Rheingrave*, and the like; and by the *Dutch* was called *Eorle*: But upon the coming in of the *Normans* they were called *Comes*, or *Comites*, that is, *Counts*; and for Gravity in Council, they are called *Comes Illustres*, à *Conciliando Principem*. And as Earls

for their Virtues and Heroical Qualities are reputed Princes, or Companions for Princes; so ought they to deport themselves answerable to the said Dignity, as well in their Attendance and noble House-keeping, as otherwise.

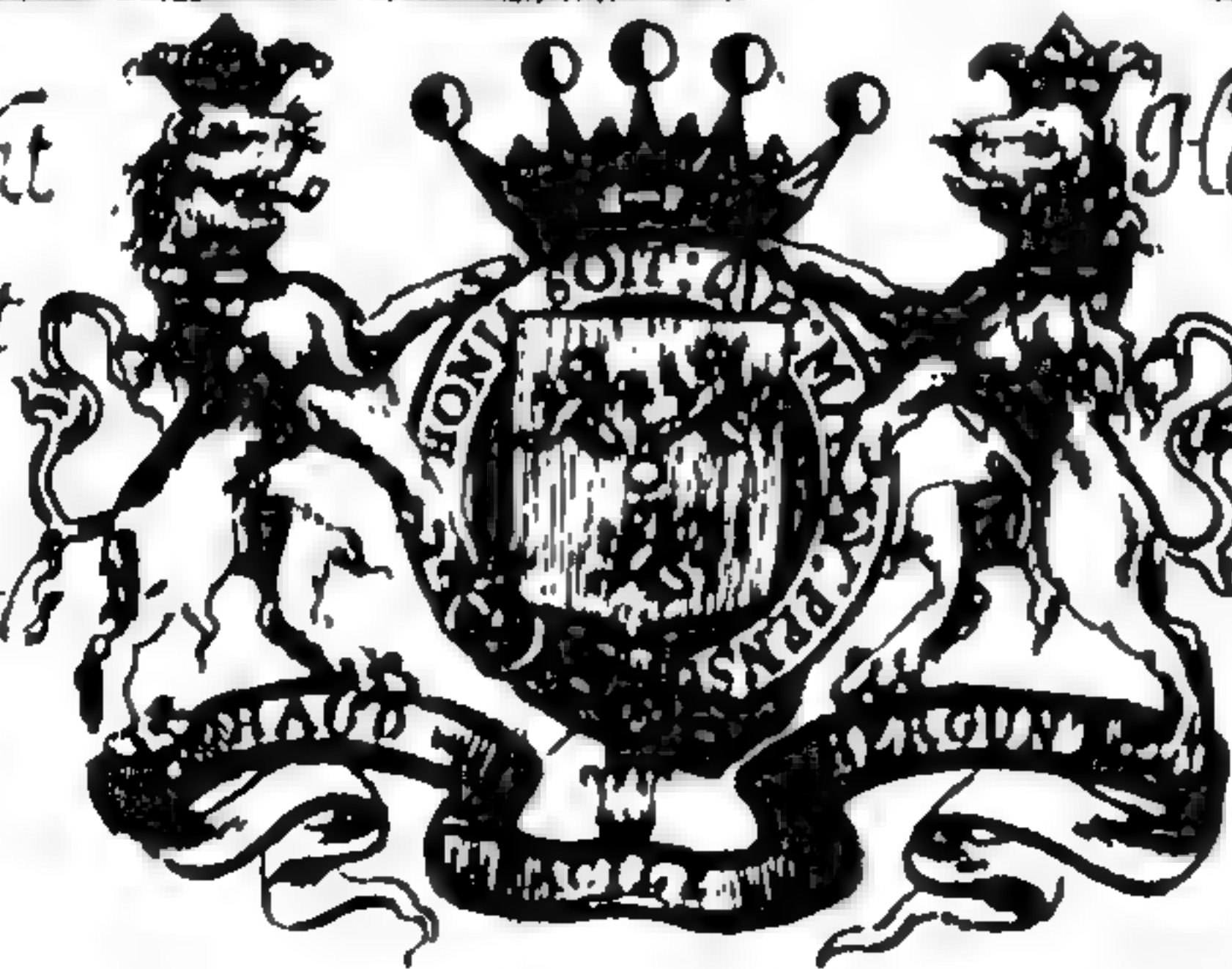
The Dignity of Earl is of divers kinds, and is either local or personal: Local, as from the Denomination of some Place: And Personal, as being in some great Office, as Earl-Marshal, and the like. Those Local are also Palatine and Simples. Those that are Palatine, or Count Palatine, are *Chester*, *Lancaster*, and the Bishopricks of *Durham* and *Ely*, and retain some of the ancient Priviledges allowed them by the *Saxons*. *Hugh Lupus*, who was the first Hereditary Earl, had the County Palatine of *Chester* given him by the Conqueror, who governed it forty Years, in which Time he created eight Barons, and had *Jura Regalia* within the County.

Of Earls not *Palatine*, which is as ancient as the Conquest, there have been principally two kinds, but either of them subdivided into several Branches; for they either take Name of a Place, or hold their Title without any Place. Those that take their Name of a Place are of two Kinds; for either the Place is the County, as the Earl of *Devonshire*, *Kent*, *Middlesex*, or the like; or else some Town, Castle, or Honour, as the Earldom of *Richmond* in *Yorkshire*, *Clarence* in *Suffolk*, *Arundel* in *Sussex*, *Bath* and *Bridgwater* in *Somersetshire*, and so forth. And those Earldoms which have their Titles without any Place, are likewise of two kinds, either in respect of Office, or by Birth: By Office as the Earl-Marshal of *England*, called in Latin *Comes Marefcallus Anglie*, and is an Officer not only of great Power, be-  
ing





The Effigies of the Right  
and Baron of Arlington, Viscount  
of the order of the Garter, Lord  
Treasurer and one of the Lords  
privy Counsell &c.



Hon<sup>ble</sup> Henry Bennet Earle  
Thetford Knight of the most  
Chamberlaine of his Ma.<sup>ty</sup>  
of his most Honourable





The Right Hon<sup>ble</sup> James Stanley  
Earl of Derby &c.



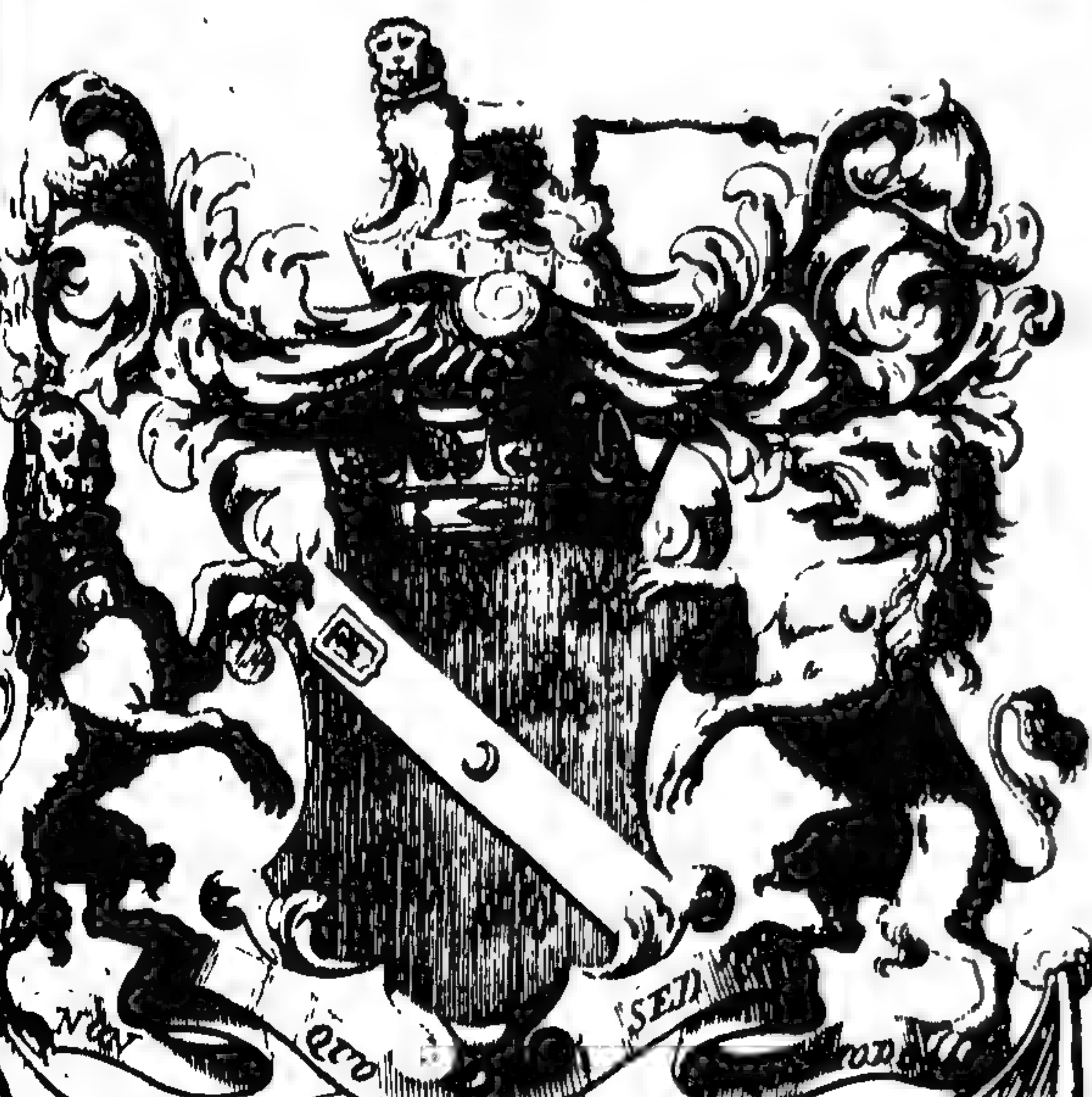
The Right Hon<sup>ble</sup> Theophilus Hastings  
Earl of Huntingdon &c.



The Right Hon<sup>ble</sup> Thomas Herbert  
Earl of Pembroke & Montgomery &c.  
Int<sup>l</sup> of the most Noble Order of the Garter.



The Right Hon<sup>ble</sup> Henry Clinton  
Earl of Lincoln &c  
Kn<sup>t</sup> of the most Noble Order of the Garter



The Right Hon<sup>ble</sup> Charles Howard  
Earl of Suffolk & Bindon &c.



The Right Hon<sup>ble</sup> Lionel Cranfield Sackville  
Earl of Dorset &c. now Duke of Dorset  
Kn<sup>t</sup> of the most Noble Order of the Garter.





The Right Hon.<sup>ble</sup> James Cecil  
Earl of Salisbury &c.



The Right Hon.<sup>ble</sup> John Cecil  
Earl of Exeter &c.



The Right Hon.<sup>ble</sup> Scroop Egerton  
Earl of Bridgwater  
now Duke of Bridgwater &c.



The Right Hon.<sup>ble</sup> John Sidney  
Earl of Leicester &c.



The Right Hon.<sup>ble</sup> George Compton  
Earl of Northampton &c.



The Right Hon.<sup>ble</sup> Edward Henry Rich  
Earl of Warwick & Holland &c.







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Earls

*The Right Hon.<sup>ble</sup> Harry Grey  
Earl of Stamford &c.*



*The Right Hon.<sup>ble</sup> Henricus Finch  
Earl of Winchelsea &c.*



*The Right Hon.<sup>ble</sup> Philip Stanhope  
Earl of Chesterfield &c.*



*The Right Hon.<sup>ble</sup> Thomas Tufton  
Earl of Thanet - &c.*



*The Right Hon.<sup>ble</sup> Charles Spencer  
Earl of Sunderland &c.  
kn<sup>t</sup> of the most Noble Order of St. Garter*



*The Right Hon.<sup>ble</sup> Nicholas Leake  
Earl of Scarisdale &c.*









*The R<sup>t</sup> Hon.<sup>ble</sup> Thomas Bruce  
Earl of Ailesbury &c*



*The R<sup>t</sup> Hon.<sup>ble</sup> Rich.<sup>d</sup> Boyle  
Earl of Burlington &c.*



*The R<sup>t</sup> Hon.<sup>ble</sup> Anthony Ashley Cooper  
Earl of Shaftesbury &c*



*The R<sup>t</sup> Hon.<sup>ble</sup> George Henry Lee  
Earl of Litchfield &c*



*The R<sup>t</sup> Hon.<sup>ble</sup> Thomas Leonard  
Earl of Suffex*

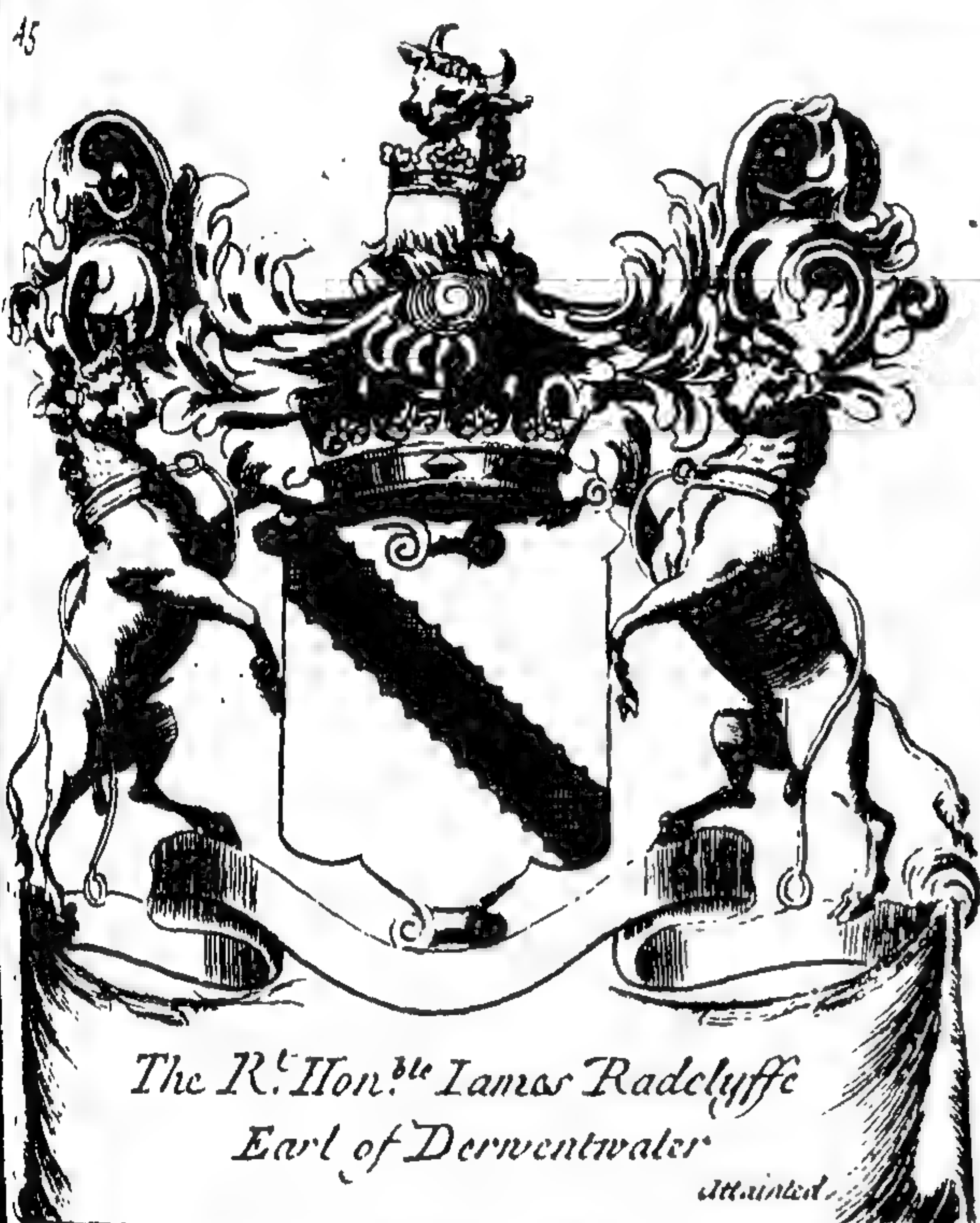


*The R<sup>t</sup> Hon.<sup>ble</sup> Charles Bodvile Robert  
Earl of Radnor &c.*













*The R<sup>t</sup> Hon.<sup>ble</sup> Richard Lumley  
Earl of Scarborough*



*The R<sup>t</sup> Hon.<sup>ble</sup> George Booth  
Earl of Warrington*



*The R<sup>t</sup> Hon.<sup>ble</sup> Richard Newport  
Earl of Bradford*



*The R<sup>t</sup> Hon.<sup>ble</sup> Frederick Zulusstein  
Earl of Rochford*



*The R<sup>t</sup> Hon.<sup>ble</sup> William Coventry  
Earl of Coventry*



*The R<sup>t</sup> Hon.<sup>ble</sup> William Anne Van Keppel  
Earl of Albemarle*





*The R<sup>t</sup> Hon.<sup>ble</sup> Edward Russell  
Earl of Orford*



*The R<sup>t</sup> Hon.<sup>ble</sup> William Pitters  
Earl of Jersey*



*The R<sup>t</sup> Hon.<sup>ble</sup> Henry d' Auverquerque  
Earl of Grantham*



*The R<sup>t</sup> Hon.<sup>ble</sup> John Campbell Earl of  
Greenwich now Duke of Greenwich  
and K<sup>t</sup> of the most Noble Order of St. George*



*The R<sup>t</sup> Hon.<sup>ble</sup> John Poulet  
Earl Poulet & K<sup>t</sup> of the most  
Noble Order of the Garter*



*The R<sup>t</sup> Hon.<sup>ble</sup> Francis Godolphin  
Earl of Godolphin*





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Earls



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*The R.<sup>t</sup> Hon.<sup>ble</sup> George Montagu  
Earl of Halifax*



*The R.<sup>t</sup> Hon.<sup>ble</sup> Talbot Yelverton  
Earl of Sussex.*



*The R.<sup>t</sup> Hon.<sup>ble</sup> William Comper  
Earl Comper.*



*The R.<sup>t</sup> Hon.<sup>ble</sup> James Stanhope  
Earl Stanhope*



*The R.<sup>t</sup> Hon.<sup>ble</sup> William Cadogan  
Earl of Cadogan*



*The R.<sup>t</sup> Hon.<sup>ble</sup> Bennet Sherard  
Earl of Harborough*







ing in the Vacancy of the Lord High-Constable of England the King's Lieutenant General in all Marshal Affairs, but of as great Honour, taking place of all Earls, except the Lord Great-Chamberlain of England, and is likewise endowed with many honourable Priviledges. This Title of Earl-Marshal was by K. Richard the Second, first given to Thomas Morebray, Earl of Nottingham (whereas before they were simply stiled Marshals) and after the Banishment of Morebray, he granted it to Thomas Holland, Duke of Surrey; and that he should carry a Rod or Verge of Gold enammeled black at both ends, whereas before they used one of Wood: This Office was by King Charles II. restored to the ancient Family of the Howards, Hereditary for ever, and is now enjoyed by his Grace Tho. Howard, Duke of Norfolk, &c. But being a Roman Catholick his Grace is oblig'd to appoint (with the Royal Approbation) a Deputy to officiate or act; which Deputy is the Right Honourable Henry Howard, Earl of Suffolk and Bindon, &c.

The other sort of Earls are by Birth, and so are all the Sons of the Kings of England, if they have no other Dignity bestowed upon them: And therefore it was said that John, afterwards King of England, in the Life-time of his Father Henry the Second, was *Comites sans terre*.

Earls (as other Degrees of Nobility) are Offices of great Trust, being created by Patent for two principal Purposes; one *ad consulendum Regi in tempore pacis*; the other *ad defendendum Regem & Patriam in tempore belli*. And therefore Antiquity hath given them two Ensigns to resemble both the said Duties: For first, the Head is adorned with a Cap of Honour, and a Coronet of Gold, which for distinction is pyramidal, pointed, and pearled, between each Pyramid a Flower much shorter than the pyramid: And the Body is adorned with Robes, *viz.* a Hood, Surcoat, and Mantle of State, with three Guards of Furr upon the Shoulders; which Robe is an Emblem of Counsel: And they are begirt with a Sword in remembrance that they must be faithful and true to defend their Prince and Country.

An Earl had formerly the Title of Prince; but now it is Most Noble and Puissant Lord; as also The Right Honourable and truly Noble. Out of his Superiors Prefence he may have a Cloth of Estate fringed without Pendants; and his Countess may have her Train born up by an Esquire's Wife.

But to the King's High Council of Parliament no Man ought to presume to come before he hath received the King's Writ of Summons. This Constitution was first made by King Henry the Third, after the Barons War was appeas'd, and by King Edward the Third, and his Successors, it hath been carefully observed. The Form of a Writ of Summons to an Earl, is as followeth:

**R**EA, &c. Unto his welbelov'd Cousin, John Earl of \_\_\_\_\_ Greeting. Because by the Advice and Assent of Our Council, for certain weighty and urgent Business concerning Us,

the State and Defence of Our Kingdom and Church, We have ordained to be holden a certain Parliament at Our City of Westminster the \_\_\_\_\_ day of \_\_\_\_\_ next coming, and there together with you, and with the Prelates, and Great and Noble Men of Our said Kingdom, to have confidence and treaty, commanding, and firmly enjoining you upon your Faith and Allegiance whereby you are holden unto Us, that the Dangers and Perils imminent of that Business considered, and all Excuses set apart, you be present at the said Day in the same Place with Us, and with the Prelates and Noblemen aforesaid, to treat and give Counsel upon the aforesaid Business; and hereof fail not, as you tender Our Honour and the Safeguard and Defence of Our Kingdom and Church aforesaid. Witness Our Self at Westminster the \_\_\_\_\_ day of \_\_\_\_\_ in the \_\_\_\_\_ Year of Our Reign.

In this Writ an Earl is saluted by the King by the Name of Cousin, although no Kin; and the Writ of Summons to him, or any other Peer, is particularly directed to himself, and not unto the Sheriff of the County, as the general Summons are to Knights and Burgeses of Parliament.

After a Man is created an Earl, Viscount, or any other Title of Honour above his Title, it is become parcel of his Name; and not an addition only, but in all legal Proceedings he ought to be stiled by that his Dignity.

In the First of King Edward the Third, fol. 151. a Writ of *Formedon* was brought against Richard Son of Allyn, late Earl of Arundel, and did demand the Mannor of C. with the Appurtenances, &c. The Tenant, by his Learned Counsel, did Plead that he was Earl of Arundel, and was at the Day of the Writ purchased, and demanded Judgment of the Writ, because he was not named in the Writ according to his Dignity and Title of Honour. To which the Demandant saith, That at that time, when he did purchase the Writ, the Tenant was not known nor taken to be an Earl, and it is severe Justice if the Writ shall abate without any default in the Plaintiff: Nevertheless, because the Truth of the Matter was so, that the Earldom did descend unto him before the Plaintiff had commenced his Action, and purchased his Writ against him; therefore by Judgment his Writ was abated, although the Tenant was not at that time known to be an Earl. But if a Baron be Plaintiff or Defendant, it is not of necessity to name him Baron, 8 Hen. 6. 10. yet see a Distinction of Barons concerning this Matter, here following: And so Reginald Gray was reputed Esquire after the Earldom descended unto him, till at last it was published and declared by the Queen, and the Heralds, that he was Earl of Kent in Right, and by Descent, although he was not reputed or named Earl before that Time.

But an Addition may be used, or omitted at pleasure, except in special Cases, where Processes of Stile of *Supremum Caput Ecclesie Anglicane*, which by Act of Parliament in the 26th of Hen. 3. cap. 1. and in the 35th of Hen. 8. cap. 3. was annexed



annexed to the Imperial Crown of this Realm. It is no part of the King's Stile, so that it may be omitted in the Summons of Parliament at pleasure; and so it is adjudged and declared by Parliament in the First and Second of *Philip and Mary*, cap. 8. fol. 156.

But not between the Majestical Stile of the King, and the Title of Honour appertaining to a Subject; this Difference is between Grants or Purchases made by or to a Nobleman, &c. For in that first Case it is necessary that the Name [King] be expressed, otherwise they are void. But if a Duke, Earl, or other Degree of Nobility, do Purchase or Grant, by the Name of Baptism and Surname, or other Title of Honour, it is not void; for it is a Rule in Law, that every Man's Grant shall be construed most to the Benefit of him to whom the said Grant is made, that it may rather be strengthened than made void; for there is a great Diversity in the Law between Writs and Grants: For if Writs are not formally made, they shall be abated, which is only the loss of the time; but if a Grant should be made void, then the Party hath no Remedy to have a new one, and for that Cause the Law doth not favour Advantages by occasion of false Latin, or such like Mistake.

And if an Earl be Plaintiff or Demandant, and having the Writ, shall not abate; but nevertheless he shall proceed, and count by the Name of an Earl, according to such Title of Honour as he did bear at the Time of the Commencement of his Action.

But if the Plaintiff in a *Quare Impedit* be made Knight, having the Writ, shall abate.

There is a Statute made in the First of *Henry the Fifth*, cap. 5. wherein is contained as followeth: *Item*, It is ordained and established, That every original Writ of Actions, personal Appeals, and Indictments, in which the Exigent shall be Awarded in the Names of the Defendants; in such Writs, Original Appeals, and Indictments, Additions shall be made of their Estates, Degrees, and Mysteries, and the Towns, Hamlets, and Places, and the County where they were, or be conversant: And if by Process upon the said original Writs, Appeals, or Indictments, in which the said Additions are omitted, any Outlawries be pronounced, that they be clearly void, and that before these Outlawries pronounced, the said Writs and Indictments shall be abated by the Exceptions of the Party wherein the said Additions are omitted: Provided, that though the said Writs of Additions Personal be not according to the Records and Deeds by the Surplusage of the Additions aforesaid, that for this Cause they be not abated: And that the Clerks of Chancery, under whose Names such Writs shall go forth written, shall not leave out, or make omission of the said Additions, as aforesaid, upon pain of Punishment, and to make Fine to the King, by the Discretion of the Lord Chancellor or Keeper. And this Ordinance shall begin to hold place at the Sun of the Party, from the Feast of St. Michael then next ensuing.

Although Addition of Estate, Degree, and Mystery, to be added unto Names, be written in the Statute first before the Additions of the Places and Counties; yet it hath been used always after the making of the said Statute, to place the Addition of Estate, Degree, and Mystery after the Places and Counties in all Writs, Appeals, and Indictments against common Persons: But the Use is otherwise in Appeals, and Indictments of Treason or Felony against Dukes, Marquisses, and Earls; for their Names of Degrees are in such case put before the Additions of Places and Counties; as *Charles Earl of Westmorland*, late of *Branspit* in the County of *Durham*.

Names of Dignity, as Dukes, Earls, Barons, Baronets, Knights, &c. are contained within the word [Degree] for the State of a Man is his Mystery. *Brook, Chief Justice of the Common Pleas in Abridgment of the Case of 14 Hen. 6. fol. 15. titulo, Nofme de Dignitate.*

*Injuries done to the Name and Honour of a Nobleman.*

IN the Second of *Richard the Second*, c. 1. that Counterfeits and Spreaders abroad of false and reproachful Words and Lies against the Nobility, Prelates, and Great Men in publick Offices, as the Lord Chancellor or Keeper, the Lord Treasurer, Lord Steward of the King's Household, the Judges, &c. whereby Debates and Discord may arise between the said Lords and Commons, to the great Detriment of the Realm, if due Remedy be not provided; It is straitly Enacted upon grievous Pain, to eschew the said Dangers and Perils, That from thenceforth none presume to tell, or report any False and Scandalous News against any of the Persons aforesaid, whereby Discord, or any Slander might arise; and he that doth the same shall incur the Punishment ordained by the Statute of *Westminster*, cap. 32. which wills, that he be taken and imprisoned 'till he have found him that first reported the same. And further, by another Statute, *Anno 12 Rich. cap. 12.* it was enacted moreover, That when the said Offender is taken and imprisoned, and cannot find him that first spake them, then he shall be punished by the advice of the Council.

And to the intent that such evil-disposed Persons, which by their lewd Speeches and slanderous Words or Reports, do endeavour to break and disquiet the Peace of the Realm, might the sooner be enquired of, found out, and punished by a Statute made in the First and Second of *Philip and Mary*, it was established, That the Justices of the Peace in every Shire, City, and Town Corporate within the Limits of their several Commissions, shall have full Power to hear and determine the Causes aforesaid in the two Acts of *Edward I.* and *2 Rich. II.* specified; and to put the said Statutes, and every part thereof, in due Execution, that condign Punishment be not deferred from such Offenders. And besides the said Penalties to be so inflicted on Transgressors,



gressors, every Nobleman, or Great Officer of the Realm, against whom any scandalous Words, false News or Lies are spoken, may prosecute the Offender in any Action *de scandalis magnatum*, and recover Damages against him. And in like manner may every inferiour Person, for any such like words of Infamy spoken against him, recover Damages against the Offender. And in former Times, Speeches tending to the reproach of others were so odious, that King *Edgar* ordained, That his Tongue should be cut out that spake any infamous or slanderous Words of another. And the said Lord *Beauchamp* did sue an Action upon the Statute of *Richard* the Second, *cap. 5. De scandalis magnatum*, against Sir *Richard Chyfts*, because he did sue a Writ of forging of false Deeds against the said Lord *Beauchamp*; and the Defendant doth justify the said Slander by use of the said Writ, &c. And upon Demurrer the Matter of Justification was good, so that he was not liable to the Punishment of the said Statutes, but was quite discharged from the same.

There is no foul Puddle that ariseth from the same corrupt Quagmire, and distilled likewise out of a Heart infected with Malice and Envy, but it devised and practised by another manner than the former, which is by Lybelling, secret Slandering or Defaming of others; for this privy Backbiter doth not by Words impeach his Adversary in so manifest and turbulent manner as the cholerick Menacer in his Fury doth; but seeming to sit quietly in his Study, doth more deeply wound his Fame and Credit, than the other boisterous Person doth; for he in a moment threatneth to do more, than peradventure he is either able, or hath Courage to perform in all his Life: For his Passion thus discovering the Malice of his Heart, doth give his Adversary warning to defend himself from him: But this secret Canker the Libeller concealeth his Name, hideth himself in a Corner, and privily stingeth his Reputation and Credit, and he knoweth not how to right himself; and the greater is this Offence, if done to a publick Magistrate or Minister of State; for then it may bring a Disturbance to the Peace of the King and Kingdom. And if it be against a private Person, the staining his Reputation will cause him not to be at quiet in Body and Mind, until he hath found his Enemy, which many times may lie so secretly hid, that he cannot be discovered; and then probably one innocent (upon some Suspicion or other) may come to suffer for it. Sometimes the malicious Defamer poureth forth his Poison in Writing, by a Scandalous Book, Ballad, Epigram, or Rhime, near the place where the Party so abused doth most converse. In which Cases the Law hath provided that the Party delinquent (when he is found out and discovered) shall be severely punished; for he may either be Indicted by the ordinary Course of the Common Law; and if it be an exorbitant Offence, then by Pillory, loss of Ears, Whipping, &c. or the Party grieved may have an Action upon the Case against the Offender, and recover his Damages:

And in this it is not material whether the Libel be true or false, or the Party scandalized be alive or dead, or be of a good or ill Name; yet our Laws are so made as to punish him, and such like Men, by a due Course of Justice.

And to conclude this Matter concerning Wrongs done to the Name and Dignity of a Nobleman, this may be added, That it is unusual for any Person to usurp the Arms of another. Further, if a Nobleman's Coat-Armour and Sword of other Gentleman's bearing Arms at the solemnizing of their Funerals, is set up in the Church for the Honour of the deceased, and is by the Covetousness of the Incumbent that pretendeth Right thereunto, as Offerings due unto him, afterwards taken down; or if they be defaced by any other, such are to be severely punished as Malefactors: And in that Case the Action shall not be given to the Widow, though she be Executrix or Administratrix of her Husband's Goods; for such things which serve for the Honour of the Party deceased, are not to be accounted *inter bona Testatoris*. And the Heir shall have his Action as the Defender of his Ancestor's Honour: But the Wrong is offered to the House and Blood, and therein specially to the Heir, *qui est totius gentis splendor*; and therefore to him accrueth the Right of Action; for so it is reported by Sir *John Fern* in his *Glory of Generosity*, fol. 83. that the Lady *Withers's* Case in 9 *Edw. 4.* 14. hath been adjudged.

‘ *James Stanley*, Earl of *Derby*, Baron *Stanley* of *Latham*, Lord of *Strange*, (of *Knokyn*), and  
‘ *Mobun*, Lord of *Man*, and the Isles.

#### Creations.

‘ Baron *Stanley* (of *Latham*, in *Com' Lanc'*)  
‘ by Summons, 29 *Jan.* 34 *Hen. 6.* (1455.)  
‘ Baron *Strange* (of *Knokyn*) *jure Uxoris*, and  
‘ by Summons, 15 *Nov.* 22 *Ed. 4.* (1482.) originally 29 *Dec.* 28 *Ed. 1.* (1299.) And Earl,  
‘ 27 *Oct.* 1 *Hen. 7.* (1486.)

#### Arms.

‘ *Argent*, on a Bend, *Azure*, three Staggs-  
‘ Heads caboshed, Or, with a Crescent for Dis-  
‘ ference. Crest, on a Wreath, an Eagle and  
‘ Child, Or, taken from *Latham*; their own  
‘ Crest, on a Wreath, a Bucks-Head couped, *Ar-*  
‘ *gent*, attired, Or. Supporters, That on the  
‘ Right, a Griffin *Argent*, gorged with a Coronet  
‘ and Chained, *Azure*. (Anciently the Griffin  
‘ was gutteé, *Gules*.) On the Sinister Side, a  
‘ Stagg attired, and gorged with a Ducal Coro-  
‘ net and Chain, *Azure*. Motto, *Sans changer*;  
‘ some add *ma verite*; sometimes *Dieu & ma*  
‘ *Foy*.

‘ *Theophilus Hastings*, Earl of *Huntingdon*,  
‘ Baron *Hastings*, *Hungerford*, *Botreaux*, *Molins*,  
‘ and *Moels*.

Creations.



## Creations.

‘ Baron *Hastings* (of *Hastings* in Com’ *Suffex*) by Patent and by Summons, 26 July, 1 Ed. 4. (1461.) Baron *Hungerford*, (of *Hungerford* in Com’ *Wilt*s) *jure Uxoris*, and by Summons, 15 Nov. 22 Ed. 4. (1482.) By Descent originally 7 Jan. 4 Hen. 6. (1425.) and Earl, 8 Dec. 21 H. 8. (1529.)

## Arms.

‘ *Argent*, a Maunch, *Sable*. Crest, on a Wreath, a Bull’s Head erased, *Sable*, gorged with a Ducal Coronet, and armed, *Or*. Supporters, two Man-Lions, *Gold*, their Faces proper. Motto, *In veritate Victoria*; Anciently, *Honorantes me honorabo*.

‘ *Thomas Herbert*, Earl of *Pembroke* and *Montgomery*, Baron *Herbert* (of *Caerdiff*) *Ros*, (of *Kendal*) *Parr*, *Fitz-Hugh*, *Marmion*, *St. Quintin*, and *Herbert* of *Shurland*; Knight of the most Noble Order of the Garter.

## Creations.

‘ Baron *Herbert* (of *Caerdiff* in Com’ *Glamorgan*) by Patent, 10 Oct. 5 Ed. 6. (1551.) Earl of *Pembroke*, 11 Oct. 5 Ed. 6. (1551.) Baron *Herbert* (of *Shurland*, in Com’ ) and Earl of *Montgomery*, 4 May, 3 Jac. 1. (1605.)

## Arms.

‘ The Arms of *William Herbert*, Earl of *Pembroke*, (temp’ Ed. 4.) viz. parti per pale, *Azure* and *Gules*, three Lions rampant, *Argent*, armed, *Or*, within a Bordure Compose of the Fourth and Second; the Last charged with *Besants*: Which Charge has long been left off, and the Bordure since wholly disused. Crest, a Wyvern, *Vert*, holding in his Mouth an Hand, proper; couped at the Wrist, *Gules*. Supporters, On the Dexter side, a Panther, *Argent*, variously spotted, and gorged with a Ducal Coronet, *Azure*; On the Sinister side, a Lion, *Argent*, gorged with another, *Gules*. Motto, *Ung je serveray*.

‘ *Henry Clinton*, Earl of *Lincoln*, Baron *Clinton* and *Say*.

## Creations.

‘ Baron *Clinton* (of *Moxtoch* in Com’ *War*) by Summons, 27 Jan. 6 Ed. 3. (1331.) originally, 6 Febr. 27 Ed. 1. (1298.) And Earl, 4 May 14 Eliz. (1572.) Baron *Say*, by Summons, 18 Febr. 7 Jac. 1. (1609.) By Descent anciently, 6 H. 4. (1404.) Originally by like Summons, 26 July, 7 Ed. 2. (1313.) and 8 June, 22 Ed. 1. (1294.)

## Arms.

‘ *Argent*, Six Cross-Crosets Fichée, 4, 3, 1, *Sable*, on a Chief, *Azure*, two Mulletts, *Or*, pierced, *Gules*; but sometimes of late the Crosets

‘ have not been used. Crest, out of a Crown Ducal, *Gules*, a Plume of Feathers, *Argent*, banded together, *Azure*. Supporters, two Greyhounds, *Argent*, collared and lined, *Gules*, the Lines terminating in Knots. Motto, *Loyalte n’a honte*.

‘ *Henry Howard*, Earl of *Suffolk* and *Bindon*, and Baron *Howard* of *Walden* and *Chesterford*.

## Creations.

‘ Baron *Howard* (of *Walden* in Com’ *Essex*) by Summons, 24 Oct. 39 Eliz. (1597.) Earl of *Suffolk*, 21 July, 1 Jac. 1. (1603.) Baron of *Chesterford*, in Com’ *Essex*, and Earl of *Bindon*, by Patent, 29 Dec. 5 Q. Ann. (1706.)

## Arms.

‘ The same as the Duke of *Norfolk*, with a Crescent Difference in the Coat, and on the Crest, and each Supporter. Motto, *Quod videri vis esto*.

‘ *Lionel-Cranfield Sackvil*, Earl of *Dorset* and *Middlesex*, Baron of *Buckhurst*, and Baron *Cranfield* of *Cranfield*.

## Creations.

‘ Baron *Buckhurst* (of *Buckhurst* in Com’ *Suffex*) by Patent 8 June, 9 Eliz. (1567.) Earl of *Dorset*, 13 Mar. 1 Jac. 1. (1603.) Baron *Cranfield* of *Cranfield* (in Com’ *Middlesex*) and Earl of *Middlesex*, by Patent 4 Apr. 27 Car. 2. (1675.)

## Arms.

‘ Quarterly, *Or* and *Gules*, a Bend vaire. Crest, out of a Crown of *Fleurs-de-Lys*, *Or*, an Estoil, of many Rays, *Argent*; anciently, on a Wreath, a Ram’s Head erased, *Sable*, armed, *Or*. Supporters, two Ounces or Linxes, but some say Cattamountains, *Argent*, spotted, *Sable*; but I think Ounces their proper Name. Motto, *Tout jours Loyal*. Sometimes, *Aut nunquam tentes aut perfice*.

‘ *James Cecil*, Earl of *Salisbury*, Viscount *Cranborn*, and Baron (*Cecil*) of *Effington*.

## Creations.

‘ Baron *Cecil* (of *Effington* in Com’ *Rutland*) by Patent, 13 May, 1 Jac. 1. (1603.) and confirmed, 13 Aug. 1 Jac. 1. (1603.) Viscount, 21 Aug. 21 Jac. 1. (1604.) And Earl, 4 May, in the Morning, 3 Jac. 1. (1605.)

## Arms.

‘ The same as the Earl of *Exeter* next following, viz. Barry of 10, *Argent* and *Azure*, over all Six Escucheons, 3, 2, and 1, *Sable*; each charged with a Lion rampant of the first, with a Crescent for Difference. Crest, on a Wreath, 8 Arrows, 4 and 4 in *Salire*, *Argent*, barbed and plumed, *Or*, banded, *Gules*, and



and Ensigned with a Morion or Steel Cap of Liberty, *proper*. Supporters, two Lyons, *Ermine*; On the Shoulders of each a Crescent for Difference. Motto, *Sero sed Serio*.

John Cecill, Earl of Exeter, and Baron of Burleigh.

*Creations.*

Baron Burleigh (of Burleigh, in Com' Northampton) by Patent 25 Feb. 13 Eliz. (1570.) And Earl, 4 May, 3 Jac. I. (1605.)

*Arms.*

Barry of ten, *Argent* and *Azure*, over all six Escucheons, *Sable*, each charged with a Lion rampant of the First. Crest, on a Wreath, a Garb, *Argent*, sustained by two Lions, the Dexter *Azure*, the Sinister *Silver*. Supporters, two Lions, *Ermine*: Motto, *Cor unum Via Una*.

Scrope Egerton, Earl of Bridgwater, Viscount Brackley, and Baron of Elsmere.

*Creations.*

Baron Elsmere (of Elsmere, in Com' Salop) by Patent 21 July, 1 Jac. I. (1603.) Viscount 7 Nov. 14 Jac. I. (1661.) And Earl 27 May, 15 Jac. I. (1677.)

*Arms.*

The Arms of Sir Richard Egerton of Ridley, in Com' Pal. Cestr', Knight, viz. *Argent*, a Lyon rampant, *Gules*, between three Phæons, *Sable*, within a Bordure ingrailed of the last; which Bordure hath of late been disused. Crest, on a Wreath, a Lion rampant, *Gules*, sustaining a Phæon, *Or*, headed and plumed, *Argent*, anciently, on a Wreath, a Lion's Gamb erect, and couped *Gules*, charged with a Bar Dauncetté, *Argent*, and holding a Sword, *proper*. Supporters, on the Dexter side, an Horse, *Argent*, gorged with a Ducal Crown, *Azure*; on the Sinister side, a Griffin, *Argent*, gorged after the same manner. Motto, *Sic donec*.

John Sydney, Earl of Leicester, Viscount Lisle, and Baron Sidney of Penshurst.

*Creations.*

Baron Sidney (of Penshurst in Com' Cantii') by Patent 13 May, 1 Jac. I. (1603.) Viscount 4 May, 3 Jac. I. (1605.) And Earl 2 Aug. (1618.)

*Arms.*

*Or*, a Phæon, *Azure*. Crest, on a Wreath, a Bear sejant, *Argent*, collared and lined, *Or*, sustaining a Ragged Staff, the Crest of Dudley, Earl of Leicester, as descended from Beauchamp. Their proper Crest, and what is now us'd, is on a Wreath, a Porcupine, *Azure*, quilled, collared and lined, *Or*. Supporters, on the Dexter side, a Lion, *Or*, collared *Azure*, and crowned per pale,

*Argent* and *Gules*: And (of late Times) on the Sinister side, a Lion guardant, *Argent*, Crown'd *Or*. Motto, *Quo fata vocant*.

George Compton, Earl of Northampton, and Baron Compton of Compton.

*Creations.*

Baron Compton (of Compton in the Vineyard, in Com' Warw.) by Summons 8 Mar. 14 Eliz. 1572.) And Earl 2 Aug. 16 Jac. I. (1618.)

*Arms.*

*Sable*, a Lion passant guardant, *Or*, between three Helmets, *Argent*, garnished, *Gold*; which Lion is an Augmentation. Crest, on a Wreath, a Demi-Dragon erased, *Gules*, within a Coronet of *Gold*; Sometimes formerly, and at present, on a Wreath, a Beacon fired and standing on a Mount, *proper*, within an Escrole thwart it, *Nisi Dominus*. Supporters, two Dragons, *Ermine*, gorged with Ducal Crowns, with Chains, *Or*. Anciently two Wolves, *proper*, collared and lined, *Or*. Motto, *Je ne serch qu'unque*.

Edward-Henry Rich, Earl of Warwick and Holland, Baron Rich of Lees, and Baron of Kensington.

*Creations.*

Baron Rich (of Lees, or Lighes, in Com' Essex) 16 Feb. 1 El. 6. (1546.) Earl of Warwick 6 Aug. 16 Jac. I. (1618.) Baron Kensington (of Kensington in Com' Middlesex) by Patent 8 Mar. 20 Jac. I. (1622.) And Earl of Holland 24 Sept. 22 Jac. I. (1624.)

*Arms.*

*Gules*, a Chevron between three Crosses, *Gobonè*, *Or*, Anciently quarterly, *Or* and *Azure*, a Chevron, between three Roundles; each charged with a Lion rampant, all Counter-changed. Crest, On a Mount, *Vert*, a Wyvern, *Argent*. Supporters, two Rane Deer *proper*, attired, *Or*; But as Earl of Holland, two Dragons, *Or*. Motto, to the Title of Warwick, *Garda la Foy*. To the Title of Holland, *Ditior est qui se*. Motto now used, *Sans Devoir*.

Basil Fielding, Earl of Denbigh and Desmond, Viscount Callen, Baron Fielding of Newnham-Padox, and Baron Fielding of the Cagbe.

*Creations.*

Baron Fielding (of Newnham-Padox in Com' Warw.) by Patent 30 Dec. 18 Jac. I. (1620.) Earl of Denbigh 14 Sept. 20 Jac. I. (1622.) [English Honours.] Baron Fielding of the Cagbe, Viscount Callen, and Earl of Desmond, upon the Death of Richard Preston, Earl of Desmond, who had been so Created, with an Entail on Fielding by Patent 22 Nov. 20 Jac. I. (1622.) [Irish Honours.]



## Arms.

‘ *Argent*, on a Fefs, *Azure* 3 Lozenges, Or.  
 ‘ Crest, on a Wreath, a double Headed or Imperial Eagle display’d, *Sable*, on his Breast an Escallop of *Feilding*, originally a Woodpecker standing on a Nutage, *proper*, which has been us’d lately; and sometimes a Palm-tree. Supporters, as Earl of *Denbeigh*, two Deer, *proper*, attired and unguled, Or, as Earl of *Desmond*, two Wolves . . . collared, *Azure*, charged with 3 Lozenges, Or; anciently those belonging to their Arms, two naked Youths. Motto, *Virtutis promium honor*. And to that of the Palm-tree, *Nec flatus nec fractus*; and sometimes, *crefcit sub pondere*: Anciently to that of the Woodpecker, *Mon espoir est en dieu*.

‘ *Thomas Fane*, Earl of *Westmorland*, Baron *Le Dispenser* and *Burghersh*.

## Creations.

‘ Baron *Burghersh* (of *Burghersh* at *Burwash* in *Com’ Suffex*) and Earl by Patent 29 May, 2 Jac. 1. (1624.) Recognition of the Barony of *Le dispenser* by Patent 25 May, 2 Jac. 1. (1624.) Originally by Descent, and by Summons 23 July, 23 Ed. 1. (1295.)

## Arms.

‘ *Azure*, three left Hand Gauntlets, Or. Crest, out of a Ducal Coronet, Or, a Bull’s Head, *Argent*, attired, *Gold*, on him a Rose, *Gules*, which is of late omitted: Their proper Crest, on a Wreath, a Gauntlet, holding a Sword, *proper*. Supporters, on the Dexter Side a Griffin *per fess*, *Argent* and Or, collared and lined, *Sable*. On the left Side, a pyed Bull, arm’d, collared, and lined, Or. Motto, *Nevile Fano*.

‘ *Charles Montague*, Earl of *Manchester*, Viscount *Mandevile*, and Baron *Montague* of *Kimbolton*.

## Creations.

‘ Baron *Montague* (of *Kimbolton*, in *Com’ Hunt.*) and Viscount by Patent 19 Dec. 18 Jac. 1. (1620.) and Earl 5 Feb. 1 Car. 1. (1625.)

## Arms.

‘ The same as the Duke of *Montagu*, viz. *Argent*, 3 Lozenges conjoined in Fefs, *Gules*, within a Bordure, *Sable*, a Crescent for difference. Crest, on a Wreath, a Griffins Head couped, Or, Wings in *dorso*, *Sable*, gorg’d with a Collar, *Argent*, charged with 3 Lozenges, *Gules*. Supporters, that on the Right Side an Antelope, Or, attired, &c. *Argent*; and on the Left a Griffin, Or, collared *Argent*, thereon three Lozenges, *Gules*. Motto, *Disponendo me non Mutando*. Sometimes omitting the Word *me*.

‘ *Henry-Bowes Howard*, Earl of *Berkshire*, Viscount *Andover*, and Baron *Howard* of *Charlton*.

## Creations.

‘ Baron *Howard* (of *Charlton* in *Com’ Wilts*) and Viscount by Patent 23 Jan. 19 Jac. 1. (1621.) and Earl 6 Feb. 1 Car. 1. (1625.)

## Arms.

‘ The same as the Duke of *Norfolk*, with a Crest upon a Crest for difference. Crest, on a Chapeau, *Gules*, turned up, *Ermine*, a Lion passant guardant, Or, gorg’d with a Ducal Crown, *Argent*. Supporters, two Lions, *Argent*, on each a Crest upon a Crest for difference. Motto formerly, *Non quo sed quo modo*.

‘ *Richard Savage*, Earl *Rivers*, Viscount *Colchester*, and Viscount *Savage* of *Rock-Savage*; Baron *Darcy* of *Chich*, and Baronet.

## Creations.

‘ Baronet 29 June 9 Jac. 1. (1611.) Viscount *Savage* (of *Rock-Savage*, in *Com’ Cest’*) by Patent 4 Nov. 2 Car. 1. (1626.) Viscount *Colchester*, and Earl upon the Death of *Thomas Darcy*, Earl *Rivers*, &c. 21 Feb. 15 Car. 1. (1639) who had been created Viscount for Life, with Remainder to *Savage*, 5 July, 19 Jac. 1. (1629.) and Earl 4 Nov. 2 Car. 1. (1626.) again Earl upon the Death of the Daughter and Heir of the said *Thomas Darcy*, Earl *Rivers*, Widow to *Tho. Savage*, Viscount *Savage*, who was created Countess of *Rivers* for Life, with Remainder to her Issue Male by her Husband, 21 Apr. 17 Car. 1. (1641.) Baron *Darcy* (of *Chiche*, in *Com’ Essex*) by Descent and Summons, 23 Jan. 1 Eliz. (1558.) Originally by Patent, 5 April, 5 Ed. 6. (1551.)

## Arms.

‘ *Argent*, 6 Lions rampant, 3, 2, 1, *Sable*: Their ancient Coat, *Gules*, a Chevron between 3 Martlets, *Argent*; and sometimes they used *Daniel*, viz. *Argent*, a Pale of Lozenges, *Sable*. Crest, out of a Coronet Ducal, Or, a Lion’s Gamb erect, *Sable*. Supporters, on the Dexter Side, an Unicorn, *Argent*, armed, unguled and maimed, Or. On the Sinister, a Falcon jessed, armed, bell’d, Or. Motto, *A Te pro Te*.

‘ *Charles Mordaunt*, Earl of *Peterborough* and *Monmouth*, Viscount *Mordaunt* of *Avalon*, Baron *Mordaunt* of *Turvy*, and Baron *Mordaunt* of *Rygate*, and Knight of the most Noble Order of the Garter.

## Creations.

‘ Baron *Mordaunt* (of *Turvy* in *Com’ Bedf.*) by Summons 4 May, 24 Hen. 8. (1532.) and Earl of *Peterborough* 9 March, 3 Car. 1. (1627.) Baron *Mordaunt* (of *Rygate* in *Com’ Surre*) Viscount *Mordaunt* of *Avalon* and Earl of *Monmouth* 9 Apr. 1 Will. and Mary (1689.)

## Arms.



Arms.

‘ *Argent*, a *Chevron* between three *Estoils*,  
‘ *Sable*. Crest, out of an Earls Coronet, *Or*, a  
‘ Moor’s Head, *proper*, wreathed, *Argent* and  
‘ *Gules*. Supporters, as Earl of *Peterborough*,  
‘ 2 Falcons, *Argent*; but anciently the Falcons  
‘ were gorged with ducal Coronets, *Gules*, arm’d,  
‘ membred and belled, *Or*, and *semi de Estoils*,  
‘ *Sable*, having Pouncies slipped in their Mouths,  
‘ *Proper*, as Earl of *Monmouth*. Supporters, two  
‘ Lions, *Argent*, each having round his Neck 3  
‘ *Estoils*, *Sable*. Motto, *Lucem tuam da nobis*.

‘ *Thomas Grey*, Earl of *Stamford*, Baron *Grey*  
‘ of *Groby*, *Bonville* and *Harington*.

Creations.

‘ Baron *Grey* (of *Groby* in *Com’ Leicester*) and  
‘ Earl by Patent 26 *Mar.* 3 *Car.* 1. (1628.)

Arms.

‘ The same as the Duke of *Kent*, *viz.* Barry  
‘ of 6, *Argent* and *Azure*, in Chief 3 *Tortoises*,  
‘ with a Label of 3 Points, *Ermine*. Crest, on a  
‘ Wreath, an Unicorn passant, *Ermine*, against  
‘ the Sun in its splendor. Supporters, two Uni-  
‘ corns, *Ermine*, armed, mained and unguled,  
‘ *Or*, as agreeable to the College Books, but his  
‘ Lordship uses a Satyr, *Or*, Face, *proper*, on  
‘ the Dexter Side. Motto, *A ma puissance*.

‘ *Heneage Finch*, Earl of *Winchelsea*, Vis-  
‘ count *Maidstone*, Baron *Fitz-Herbert* of *East-*  
‘ *well*, and Baronet.

Creations.

‘ Baron 29 *June*, 9 *Jac.* 1. (1611.) Viscount  
‘ 8 *July*, 21 *Jac.* 1. (1623.) Earl 12 *July*,  
‘ 4 *Car.* 1. (1628.) and Baron *Fitz Herbert* (of  
‘ *Eastwell* in *Com’ Cantii.*) by Patent 26 *June*,  
‘ 12 *Car.* 2. (1660.)

Arms.

‘ *Argent*, a *Chevron* between 3 *Griffins* pas-  
‘ sant, *Sable*, by the Name of *Finch*, whose O-  
‘ riginal Coat as lineally descended from the *Fitz-*  
‘ *Herberts*, is *Gules*, 3 Lyons rampant, *Or*, now  
‘ born in the second Quartering. Crest, on a  
‘ Wreath, a Pegasus, *Argent*, winged and main-  
‘ ed, and gorged with a ducal Coronet of the last.  
‘ Supporters, on the Dexter Side a Pegasus,  
‘ *Argent*, Wings, mained, and gorged with a ducal  
‘ Coronet, *Or*. On the Sinister Side a Griffin,  
‘ *Sable*, gorged in like manner. Motto, *Nec*  
‘ *elata nec dejecta*.

‘ *Philip Stanhope*, Earl of *Chesterfield*, and  
‘ Baron *Stanhope* of *Shelford*.

Creations.

‘ Baron *Stanhope* (of *Shelford* in *Com’ Notting-*  
‘ *ham*’) 7 *Nov.* 14 *Jac.* 1. (1616.) and Earl  
‘ 4 *Aug.* 4 *Car.* 1. (1628.)

Arms.

‘ Party per Cross, *Ermine* and *Gules*. Ancient-  
‘ ly this Family gave sometimes *Longviller’s*  
‘ Arms, *viz.* *Sable*, a Bend between 6 Cross  
‘ Crozlets, *Argent*. Crest, on a Wreath, a Ca-  
‘ stle, *Azure*; out of its Battlements a Lion iss-  
‘ suant, *Or*, crowned, *Gules*, and holding a Gra-  
‘ nade, *proper*. Supporters, the Dexter one  
‘ a Wolf, *Or*, crowned, *Gules*. The Sinister, a  
‘ Talbot, *Ermine*, eared, *Sable*. Motto, *Exi-*  
‘ *tus acta probat*; sometimes, *a Deo & Rege*.

‘ *Thomas Tufston*, Earl of *Tbanet*, Baron *Clif-*  
‘ *ford*, and Baron *Tufston* of *Tufston*, Lord *West-*  
‘ *morland* and *Vesly*, and Baronet, Lord of the  
‘ Honour of *Skipton* in *Craven*, and Hereditary  
‘ High-Sheriff of the County of *Westmorland*.

Creations.

‘ Baronet 29 *June*, 9 *Jac.* 1. (1611.) Bi-  
‘ ron *Tufston* (of *Tufston* in the Parish of *Nordi-*  
‘ *am*, in *Com’ Suffex*’) by Patent 1 *Nov.* 2 *Car.* 1.  
‘ (1626.) Earl 5 *Aug.* 4 *Car.* 1. (1628.) and  
‘ allowed Baron *Clifford* in Parliament by De-  
‘ scent 12 *Dec.* 3 *Will’ & Mar’* (1691.) Ori-  
‘ ginally by Tenure, and by Summons 29 *Dec.*  
‘ 23 *Ed.* 1. (1269.)

Arms.

‘ *Sable*, an Eagle displayed, *Ermine*, within  
‘ a Bordure, *Argent*: Anciently, *Argent*, on a Pale,  
‘ *Sable*, an Eagle displayed, *Ermine*. Crest, on  
‘ a Wreath, a Sea-Lion, *Argent*. Supporters,  
‘ Two Eagles, *Ermine*, becqued and membred,  
‘ *Sable*.

‘ *Charles Spencer*, Earl of *Sunderland*, and  
‘ Baron *Spencer* of *Wormleighton*.

Creations.

‘ Baron *Spencer* (of *Wormleighton* in *Com’*  
‘ *Warwick*’) by Patent 21 *July*, 1 *Jac.* 1. (1603.)  
‘ and Earl 8 *June* 16 *Car.* 1. (1643.)

Arms.

‘ Quarterly, *Argent* and *Gules*, in the 2d and  
‘ 3d a Fret, *Or*; over all a Bend, *Sable*, charged  
‘ with 3 Escallops of the First; anciently this  
‘ Family bore, *Azure*, a Fess, *Ermine*, between  
‘ 6 Sea-Mews Heads erased, *Argent*. Crest,  
‘ out of a ducal Coronet, *Or*, a Griffin’s Head  
‘ with Wings displayed, *Argent*, gorged with a  
‘ Bar gemell, *Gules*. Supporters, on the Dex-  
‘ ter Side, a Griffin *per fesse*, *Argent* and *Or*. On  
‘ the Sinister Side a Wyvern, *Argent*; both gorg-  
‘ ed with Collars and Chains, *Sable*; that on the  
‘ Griffin charg’d with 3 Escallops as in the Coat,  
‘ and that on the Wivern with as many Plates.  
‘ Motto, *Dieu defend le droit*.

‘ *Nicholas Leke*, Earl of *Scarfsdale*, Baron *Dein-*  
‘ *court* of *Sutton*, and Baronet.



## Creations.

' Baronet 22 May, 9 Jac. I. (1611.) Baron  
' Deincourt (of Sutton in Com' Derby) by Pa-  
' tent 26 Oct. 22 Jac. I. (1624.) and Earl  
' 11 Nov. 21 Car. 2. (1645.)

## Arms.

' *Argent*, on a Saltire engrailed, *Sable*, 9 An-  
' nulets, *Or*; the original Arms, *Sable*, 6 Annu-  
' lets, 3, 2, 1, *Or*. Crest, on a Wreath, a Pea-  
' cock's Tail erect, *proper*, sustained on either  
' Side by a Dove, *Argent*. Supporters, Two An-  
' gels, *proper*, vested in Levites Habits; the up-  
' per part of Carnation Colour, the under Gold.  
' Motto, *da Gloriam Deo*.

' *Edward Montagu*, Earl of Sandwich, Vis-  
' count *Hinchbrook*, and Baron *Montagu* of  
' *St. Neots*.

## Creations.

' Baron *Montagu* (of *St. Neots* in Com' *Hunt-*  
' *ington*) Viscount and Earl by Patent 12 July,  
' 12 Car. 2. (1660.)

## Arms.

' The same as the Duke of *Montagu*, viz. *Ar-*  
' *gent*, 3 Lozenges conjoined in Fesse, *Gules*,  
' within a Bordure, *Sable*, but with a Mullet for  
' difference. Crest, on a Wreath, a Griffin's Head  
' erased, *Or*, Wings in dorso, bequed, *Sable*.  
' Supporters, That on the Dexter Side a Triton,  
' *proper*, crowned, *Or*, holding a Trident, *Sa-*  
' *ble*. On the Sinister Side an Eagle, *Vert*,  
' bequed and membred, *Gules*. Motto, *Post tot*  
' *naufragia portum*.

' *Henry Hyde*, Earl of *Clarendon*, Viscount  
' *Cornbury*, and Baron *Hyde* of *Hindon*.

## Creations.

' Baron *Hyde* (of *Hindon* in Com' *Wilts*) by  
' Patent 3 Nov. 12 Car. 2. (1660.) Viscount  
' and Earl 20 Apr. 13. Car. 2. (1661.)

## Arms.

' *Azure*, a Chevron between three Lozenges,  
' *Or*. Crest, on a Wreath, an Eagle rising, *Sa-*  
' *ble*, bequed and membred, *Or*. Supporters,  
' two Eagles with Wings elated, *Sable*, crowned  
' with ducal Crowns, *Or*, and ensigned on their  
' Breasts with a Cross couped, *Argent*. Motto,  
' *Deus nobis hæc otio fecit*.

' *William Capel*, Earl of *Essex*, Viscount *Mal-*  
' *den*, and Baron *Capel* of *Hadham*.

## Creations.

' Baron *Capel* (of *Hadham* in Com' *Hertford*)  
' by Patent 6 Aug. 7 Car. I. (1641.) Viscount  
' and Earl 20 Apr. 13 Car. 2. (1661.)

## Arms.

' *Gules*, a Lion rampant between three Crosses  
' Crozlets fitchée, *Or*: Anciently this Family bore,  
' *Argent*, a Chevron, *Gules*, between three Tor-  
' toises, on a Chief, *Azure*, a Fret between  
' two Cinquefoils, *Or*; sometimes without the  
' Chief and its Charge. Crest, on a Wreath, a  
' Demi-Lion rampant, *Or*, sustaining a Cross Croz-  
' let fitchée, *Gules*: Anciently (sometimes) an An-  
' chor, *Gules*, besanted and double ring'd at the  
' Head and the Fleuks or Barbs, *Or*. Suppor-  
' ters, two Lions, *Or*, ducally crowned, *Gules*;  
' at first bearing Crosses Crozlets fitchée thwart their  
' Shoulders of the same; which Crosses of late  
' have been disused. Motto, *Fide & Fortitudine*.

' *George Brudenel*, Earl of *Cardigan*, Baron  
' *Brudenel* of *Stanton-Wyvil*, and Baronet.

## Creations.

' Baronet 29 June, 9 Jac. I. (1611.) Ba-  
' ron *Brudenel* (of *Stanton-Wyvil* in Com' *Leicesh*)  
' by Patent 26 Apr. 3 Car. I. (1627.) and  
' Earl 20 Apr. 13 Car. 2. (1661.)

## Arms.

' *Argent*, a Chevron, *Gules*, between three  
' Morions, *Azure*. Crest, on a Wreath, a Pega-  
' sus, *Argent*, Main and Tail, *Or*. This Fa-  
' mily originally used, out of a Wreath, a Wood-  
' man's Arm embowed, *proper*, holding a spiked  
' Club, *Or*, bound about with a Scarf of the last,  
' and sometimes a Talbot passant, gorged with a  
' ducal Crown. Supporters, on the Dexter Side  
' a Buck, *Argent*, attired and unguled, *Or*;  
' between his Horns a Cross pateé fitchée, and an  
' Arrow in his Mouth, both Gold, plumed and  
' barbed, *Argent*: On the Sinister Side an Horse,  
' *Argent*, charged on his Breast with a Cross flory  
' per Cross, *Argent* and *Sable*. Motto, *en Grace affie*.

' *Arthur Annesley*, Earl of *Anglesey*, Viscount  
' *Valencia*, Baron *Annesley* of *Newport-Pagnel*,  
' Baron *Mount-Norris*, and Baronet of *Ireland*.

## Creations.

' Baronet ——— Viscount 11 May, 19 Jac. I.  
' (1621.) in Reversion after the Death of *Henry*  
' *Power*, Viscount *Valencia*, who was created so  
' 1 Mar. 18 Jac. I. (1620.) and Baron *Mount-*  
' *Norris* by Patent 18 Feb. 4 Car. I. (1628.)  
' [*Irish Honours*.] Baron *Annesley* (of *Newport-*  
' *Pagnel* in Com' *Bucks*) and Earl by Patent 20  
' Apr. 13 Car. 2. (1661.)

## Arms.

' Pale of 6, *Argent* and *Azure*, a Bend, *Gules*.  
' Crest, on a Wreath, a Moor's Head, *proper*,  
' wreathed about the Temples, *Argent* and *Azure*.  
' Supporters, on the Dexter Side a Knight, *proper*,  
' in *Roman Armour*, and laying his Right Hand on  
' an oval Shield, *Or*, ensigned with a Gorgon's  
' Head, a Sword by his Side, *proper*; On the  
' Sinister



• Sinister, a Moor, *proper*, in his warlike Habili-  
ments, with a Wreath about his Temples,  
• and Feathers about his Loins, &c. *Argent* and  
• *Azure*, his Left Hand resting on his Bow  
• and his Quiver, *Or*, Charged with Arrows,  
• and suspended by a String from his Left  
• Shoulder, all *Argent*. Motto, *Invidet spero*.

• *Charles Howard*, Earl of *Carlisle*, Viscount  
• *Howard of Morpeth*, and Baron *Dacres* of *Gil-*  
• *lesland*.

*Creations.*

• Baron *Dacres* (of *Gillesland* in *Com' Cumbria*)  
• Viscount and Earl by Patent 20 Apr. 13 Car. 2.  
• (1661.)

*Arms.*

• The same as the Duke of *Norfolk*, with  
• a Mullet for difference. Crest, on a Cha-  
• peau, *Gules*, turned up, *Ermine*; a Lion of *Eng-*  
• *land* passant, gorged with a Ducal Coronet, *Ar-*  
• *gent*. Supporters, On the Right side a Lion,  
• *Argent*; On the Left a Bull, *Gules*, the same  
• gorged with a Collar and lined, *Or*. Motto,  
• *Volo non Valeo*.

• *Thomas Bruce*, Earl of *Ailesbury* and *Elgin*,  
• Viscount *Bruce* of *Amptbill*, Baron *Bruce* of  
• *Whorlton Skelton* and *Kinloss*, and Hereditary  
• High-Steward of the Honour of *Amptbill*.

*Creations.*

• Baron *Bruce* (of *Kinloss*) by Patent 8 July,  
• 2 Jac. 1. (1604.) And Earl of *Elgin*, 21 July,  
• 9 Jac. 1. [*Scots Honours*.] Baron *Bruce* (of  
• *Whorlton*, in *Com' Ebor'*) 1 Aug. 17 Car. 1.  
• (1641.) Baron *Bruce* (of *Skelton* in *Com'*  
• *Ebor'*) Viscount and Earl of *Ailesbury* by Patent  
• 18 Mar. 16 Car. 2. (1663.)

*Arms.*

• *Or*, a Saltire and a Chief, *Gules*, on a Canton,  
• *Argent*, a Lion rampant, *Azure*; which Can-  
• ton is the Arms of *Bruce* of *Skelton*, their pro-  
• per Coat; That of the Saltire and Chief, being  
• the Coat of *Annan* Heir of *Annandale*, with  
• whom they married. Crest, on a Wreath, a  
• Lion passant, *Azure*. Supporters, two Savage  
• Men, *proper*. Motto, *Fuimus*.

• *Richard Boyle*, Earl of *Burlington* (alias  
• *Bridlington*) and *Cork*, Viscount *Dungarvan*,  
• Baron *Clifford* of *Lansborough*, and Baron *Boyle*  
• of *Toughball*.

*Creations.*

• Baron *Boyle* (of *Toughball*) by Patent 6 Sept.  
• 14 Jac. 1. (1616.) Viscount and Earl of *Cork*  
• 16 Oct. 18 Jac. 1. (1620.) [*Irish Honours*.]  
• Baron *Clifford* (of *Lansborough* in *Com' Ebor'*)  
• by Patent 4 Nov. 20 Car. 1. (1644.) And  
• Earl 20 Mar. 26 Car. 2. (1663.) Baron *Clif-*  
• *ford* of *Lansborough*, by Descent and Sum-

mons, 20 Novemb. 6 Wil' & Mar' (1694.)  
• Formerly 16 July, 1 W. & M. (1689.) Ori-  
• ginally by Patent 4 Nov. 20 Car. 1. (1644.)

*Arms.*

• Parti per bend crenellè, *Argent* and *Gules*.  
• Crest, out of a Coronet, *Or*, a Lions Head,  
• parte per pale crenellè, *Argent* and *Gules*.  
• Supporters, two Lions per pale crenellè, *Argent*  
• and *Gules*. Motto, . . . . . Formerly, *God's*  
• *Providence is my Inheritance*.

• *Anthony Ashley-Cooper*, Earl of *Shaftesbury*,  
• Baron *Ashley* of *Winborne St. Giles*, Baron *Cooper*  
• of *Paulet*, and Baronet.

*Creations.*

• Baronet 4 July, 20 Jac. 1. (1622.) Baron  
• *Ashley* (of *Winborne St. Giles* in *Com' Dorset'*)  
• by Patent 20 Apr. 13 Car. 2. (1661.) Baron  
• *Cooper* (of *Paulet* in *Com' Somerset.*) Earl by  
• Patent 23 Apr. 24 Car. 2. (1672.)

*Arms.*

• Quarterly, 1 and 4, *Argent*, three Bulls  
• passant, *Sable*, armed, *Or*, which were the Arms  
• of *Ashley*. 2 and 3, *Gules*, a Bend engrailed be-  
• twixt six Lions rampant, *Or*, the *proper* Arms  
• of *Cooper*. But the ancient Arms of *Ashley*  
• were *Azure*, a Cinquefoil, *Ermine*, in a Bordure  
• engrailed, *Or*; and those of the Bulls, born by  
• *Ashley*, after their Inter-marriage with the Heir  
• of *Hamelin*. Crest, on a Chapeau, *Gules*, turned  
• up, *Ermine*, a Bull passant, *Sable*, gorged with  
• a Ducal Crown, and armed, *Or*. Supporters,  
• On the Dexter side a Bull, *Sable*; on the Si-  
• nister side, a Talbot, *Azure*, both gorged with  
• Ducal Coronets, *Or*. Motto, *Love, Serve*.

• *Edward Henry Lee*, Earl of *Litchfield*, Viscount  
• *Quarendon*, Baron of *Spelsbury*, and Baronet.

*Creations.*

• Baronet 29 June, 9 Jac. 1. (1611.) Baron  
• *Lee* (of *Spelsbury* in *Com' Oxon'*) Viscount  
• and Earl by Patent 5 June, 26 Car. 2. (1674.)

*Arms.*

• *Argent*, a Fess between three Crescents, *Sable*.  
• Crest, on a Wreath, and thereon a Pillar, *Argent*,  
• Capital and Pedestal, *Or*, enfiled with a Ducal  
• Coronet, *Gold*; the Pillar perched upon with  
• a Falcon seizing on a Birds Leg, *Azure*, erased,  
• *Gules*. Supporters, two Lions, *Ermines*, Collars  
• about their Necks, *Argent*; each charged with  
• three Crescents of the Coat. Motto, *Fide &*  
• *Constantia*.

• *Tho. Leonard*, Earl of *Suffex*, and Baron  
• *Dacres* of *Herst-Monceaux*.

*Creations.*

• Adjudged and declared Baron 8 Decemb.  
• (1634.) 2 Jac. 1. by Descent and Writ of Sum-  
mons



mons to the Parliament, 5 Apr. (1614.) 12 Jac. 1.  
 Formerly accepted and declared by Letters Patent, 7 Nov. 1458. 37 H. 6. Originally summoned by Writ, 15 May (1321.) 14 Ed. 2.  
 And . . . (1300.) 28 E. 1. Earl 5 Oct. (1674.) 26 Car. 2.

## Arms.

Or, on a Fess, Gules, three Fleurs-de-Lys of the First. Crest out of a Coronet, Or, a Tyger's Head, Argent, tuff'd, tuff'd, and main'd, Gold. Supporters, on the Dexter Side, a Wolf, Argent, gorged with a spiked Collar, to which is a Chain, Or; On the Sinister Side, a Bull, Gules, arm'd, unguled and gorg'd with a Coronet, with a Chain thereto, Or.

Extinct since the Engraving his Coat.

Charles Bodvile Roberts, Earl of Radnor, Viscount Bodmyn, Baron Roberts of Truro, and Baronet.

## Creations.

Baronet 3 July, 19 Jac. 1. (1621.) Baron Roberts (of Truro in Com' Cornwall) by Patent 26 Jan. 22 Jac. 1. (1624.) Viscount and Earl 23 July, 31 Car. 2. (1679.)

## Arms.

Azure, three Estoils and a Chief wavy, Or; and in the Second Quartering, Azure, on a Chevron, Argent, three Mulletts, Sable, pierced; both by the Name of Roberts. Crest, on a Wreath, a Lion rampant, Or; in his right Paw, a Flaming Sword, proper. Their proper Crest a Demi-Lion rampant, Azure, holding a Mullet, Sable, pierced, Argent. Supporters, two Goats, Argent, attired, &c. Or, and gorged with Ducal Coronets, Azure. Motto, *Quot Supra*.

William Paslon, Earl of Tarmouth, Viscount Tarmouth, Baron Paslon of Paslon, and Baronet.

## Creations.

Baronet 8 June, 17 Car. 1. (1641.) Baron Paslon (of Paslon in Com' Norf') Viscount by Patent 19 Aug. 25 Car. 2. (1673.) And Earl 30 July, 31 Car. 2. (1679.)

## Arms.

Argent, Six Fleurs-de-Lys, 3, 2, 1, Azure, and a Chief indented coufu, Or. Crest, on a Wreath, a Griffin sejant, Or, and collared and lined, Gules. At the End of the Line a Ring, Or, which is holden in his Mouth. Supporters, On the Dexter Side, a Bear, Sable, muled, collared and chained, Or. On the Sinister Side an Olstridge, Argent, bequed and membred, Or, with an Horse-shoe in his Mouth, Azure. Motto, *De Mieulx je perise en Mieulx*.

James Berkeley, Earl of Berkeley, Viscount Dursley, Baron Berkeley of Berkeley-Castle, Mowbray, Segrave, and Breaus of Gower.

## Creations.

Baron Berkeley [a Feudal Honour] by Tenure of the Castle of Berkeley, and Summons 23 June, 23 Ed. 1. (1295.) Viscount and Earl 11 Sept. 31. Car. 2. (1679.)

## Arms.

Gules, a Chevron between ten Crosses, formè or paly (six above and four below) Argent. Originally only the Chevron. Crest, on a Wreath, a Mitre, Gules, charged with the Coat purfled and garnished, Or. Supporters, two Lions, Argent; The Sinister crowned with a Ducal Coronet, with Line, Gules. Motto, *Virtute non vi*; sometimes, *Dieu soit avec nous*.

Daniel Finch, Earl of Nottingham, Baron Finch of Daventry, and Baronet.

## Creations.

Baronet 7 June 12 Car. 2. (1660.) Baron Finch (of Daventry in Com' Northampton) And Earl 12 May, 33 Car. 1. (1681.)

## Arms.

The same as the Earl of Winchelsea, viz. Argent, a Chevron between three Griffins passant, Sable, with a Crescent for Difference. Crest, on a Wreath, a Griffin passant, Sable, Ducally gorg'd. Supporters, on the Dexter Side, a Lion, Or, gorged with a Ducal Coronet, Gules; On the Sinister Side, a Griffin, Sable; about his Neck a Ducal Coronet also, Argent. Motto, *Nil conscire sibi*.

Henry Hyde, Earl of Rochester, Viscount Hyde of Kenilworth, and Baron of Wotton-Basset.

## Creations.

Baron Hyde (of Wotton-Basset in Com' Wilts) and Viscount by Patent 23 April, 33 Car. 2. (1681.) And Earl 29 Nov. 34 Car. 2. (1682.)

## Arms.

The same as the Earl of Clarendon, viz. Azure, a Chevron between three Lozenges, Or; with a Crescent for Difference. Crest, on a Wreath, an Eagle rising, Sable, a Crescent on his Breast for Difference. Supporters, two Storks, Argent. Motto, *Soyez ferme*.

Montagu-Venables Bertie, Earl of Abingdon, Viscount Tame, and Baron Norris of Ricot.

## Creations.

Allowed Baron Norris (of Ricot in Com' Oxon) upon the Restoration of King Ch. II. by Descent and Summons 12 Apr. 27 Car. 2. (1675.) Originally by Summons 8 May, 14 Eliz. (1572.) Viscount and Earl 30 Nov. 34 Car. 2. (1682.)

Arms.



## Arms.

Quarterly 1 and 4, *Azure*, two Barrs, *Argent*, which is *Venables*; into which Family he is substituted, 2d and 3d as his Paternal Arms, the same as the Duke of *Ancaſter*, *Viz.* *Argent*, three battering Rams, barrways in pale, *proper*; armed and garniſhed, *Azure*, with an Amulet for Difference. Creſt, on a Wreath, the Buſt of a Moorish King, *proper*, on his Breſt a Frett, *Azure*. Supporters, on the Dexter Side, a Friar; On the Sinifter, a Savage Man, as the Duke of *Ancaſter*'s; but on their Breſts each charged with a Frett, *Azure*. Motto, *Virtus ariete fortior*. His Lordſhip ſhou'd uſe both Coats thus; but for the moſt part doth not.

Baptiſt Noel, Earl of Gainsborough, Viſcount Campden of Campden, Baron Noel of Ridlington, Baron Hicks of Ilmington, and Baronet.

## Creations.

Baronet 29 June, *Jac.* 1. (1611.) Baron Noel of Ridlington in Com' Rutland by Patent 23 Mar. 14 *Jac.* 1. (1616.) Baron Hicks of Ilmington in Com' Warw.) and Viſcount upon the Death of Baptiſt Hicks, Viſcount Campden (20 Oct. 5 Car. 1. 1629.) who had been created Baron and Viſcount 5 May, 4 Car. 1. (1628.) and Earl 1 Dec. 34 Car. 2. (1682.) the Earldom, in Default of Iſſue Male, to another Line, deſcended from the laſt Wife of Baptiſt Noel, Viſcount Campden, &c.

## Arms.

Or fretty *Gules*, a Canton *Ermine*, the Canton being a Mark of *Cadency* in this Branch. Creſt, on a Wreath, a Roe-Buck paſſant, *Argent*, attired and unguled, Or. Supporters, two Bulls, *Argent*, mained, unguled and armed, *Sable*. Motto, *Tout bien ou rien*.

Robert Darcie, Earl of Holderneſs, Baron Darcie, Meinel and Coniers.

## Creations.

Declared and confirmed Baron Darcy and Coniers by Patent 10 Auguſt, 17 Car. 1. (1641.) Baron Darcie likewise, by Summons 8 May, 13 Car. 2. (1661.) Anciently by Deſcent temp' *Hen.* 4. Originally 28 Ed. 1. (1300.) and 8 June, 22 Ed. 1. (1294.) Baron Darcie and Meinel, by Summons 7 Oct. 31 Car. 1. (1679.) by Deſcent 8 June, 22 Ed. 1. (1295.) Baron Coniers alſo by Summons 21 May, 32 Car. 2. 1680. (by Deſcent anciently 17 Oct. 1 H. 8. (1509.) Originally 22 H. 7. (1506.) And Earl 5 Dec. 34 Car. 2. (1682.)

## Arms.

*Azure*, Semè of Croſs-Croſlets, and three Cinquefoils, *Argent*. The Original Coat of this Family, *Argent*, three Cinquefoils, *Gules*. Creſt, on a Chapeau lined, *Ermine*, a Bull paſſant,

*Sable*, armed Or. Sometimes, on a Wreath, a Spear broken in two pieces in *Saltire*, and a Third in pale, Or, headed, *Argent*, banded, *Gules*. Supporters, on the Dexter Side, a Tyger, *Argent*, mained and tusked, Or. On the Sinifter Side, a Bull, *Sable*, armed and mained, Or. Sometimes they bore on the Dexter Side a Lion, *Argent*; and on the Sinifter, the Tyger. Motto, *Ung Dieu Ung Roy*. Anciently, *Je loue Dieu grace attendant*.

Other-Windsor Hickman, Earl of Plymouth, and Baron Windsor of Bradenham.

## Creations.

Declared and confirmed Baron Windsor (of Bradenham in Com' Bucks) by Patent 16 June, 12 Car. 2. (1660.) and accordingly ſummon'd 8 May, 13 Car. 2. (1661.) Originally by Deſcent and Writ, 3 Nov. 21 H. 8. (1529.) And Earl 6 Dec. 34 Car. 2. (1682.)

## Arms.

*Gules*, a *Saltire*, *Argent*, between 12 Croſs-Croſſes, Or, which properly is the Arms of Windsor; his own being per pale indented, *Argent* and *Azure*. Creſt, on a Wreath, a Buck's Head guardant, coupèd, *Argent*, attired, Or: But that of Hickman is, on a Wreath a Talbot couchant, *Argent*, collared and lined, Or. Supporters, on the Dexter Side an Unicorn attired, mained and unguled, Or: On the Sinifter Side, a Wolf, *Sable*; Sometimes two Unicorns were the Supporters. Motto, *En Dieu eſt mon Affiance*.

James Radcliffe, Earl of Derwentwater, Viſcount Radcliffe and Langley, Baron of Tyndale, and Baronet.

## Creations.

Baronet 31 Jan. 17 *Jac.* 1. (1619.) Baron Radcliffe (of Tyndale in Com' Northumbr') by Patent, Viſcount and Earl 7 Mar. 4 *Jac.* 2. (1687.)

## Arms.

*Argent*, a Bend engrailed, *Sable*; Creſt, on a Wreath, a Bull's Head craſed, *Sable*, armed, and gorged with a Ducal Coronet, and lined, all *Argent*. Supporters, two Bulls, *Ermine*, armed and gorged with Coronets, and lined as aforeſaid; at firſt, inſtead of Crowns, they were Collared. Attainted and Beheaded the 2d of his preſent Majeſty K. George.

Henry-Stafford Howard, Earl of Stafford, Viſcount and Baron Stafford.

## Creations.

Baron Stafford (of Stafford-Caſtle in Com' Stafford) upon the Death of Mary, Counteſs and Baroneſs Stafford, Widow to William Howard, Viſcount Stafford; which Mary was created,



ted, or rather restored, Barons by Patent 5 Oct. 4 Jac. 2. (1683.) and Countess of Stafford at the same time; and died 13 Jan. (1693.) anciently by Descent and Summons 6 Feb. 27 Ed. 1. (1298.) originally by Tenure temp Rich. 1. Viscount upon the Reverse of the Attainder of William Viscount Stafford, who had been so created 11 Nov. 16 Car. 1. (1640.) Earl of Stafford 5 Oct. 4 Jac. 2. (1688.) with Remainder in default of Issue-Male to two younger Brothers.

## Arms.

The same properly as the Duke of Norfolk, with a Crescent for difference. But the Arms of the Maternal Ancestor has sometimes been used, viz. Stafford, i. e. Or, a Chevron, Gules. Crest, out of a Ducal Coronet, per pale, Gules and Sable, a Swan rising, Argent, bequed, Gules. Supporters, two Swans, Argent, gorged with Ducal Coronets, per pale, Gules and Sable, lined, Or. Sometimes Howard's Lion on the Dexter Side. Motto, *En un plusaunce*.

Henry Bentinck, Earl of Portland, Viscount Woodstock, and Baron of Cirencester.

## Creations.

Baron of Cirencester (in Com' Gloucest') Viscount and Earl by Patent 9 Apr. 1 Will' & Mar' (1689.)

## Arms.

Azure, a Cross Moline, Argent. Crest, out of a Ducal Coronet, Or, two Arms counterly embowed and vested, Gules, gloved, Or, and holding each a Feather, Argent. Supporters, on the Dexter Side a Lion, Or. On the Sinister, another Sable, both *queue fourche*.

Arthur Herbert, Earl of Torrington, and Baron Herbert of Torbay.

## Creations.

Baron Herbert (of Torbay in Com' Devon') and Earl by Patent 29 May, 1 Will' & Mar' (1689.)

## Arms.

Parted per pale, Azure and Gules, three Lions rampant, Argent, armed and langued, Or, with a Crescent for difference. Crest, on a Wreath, 6 Arrows, 3 and 3, Saltireways, Or, and one in Pale, plumed and barbed, Argent, banded, Gules, which Band is finbriated and buckled, Or. Supporters, two Sailors, proper, habited with Jackets and Caps on their Heads, Azure, with white Trowsers striped, Gules; the Right holding in his off Hand a Sea Chart or Cutlace, and standing on an Anchor, proper. The Left, in his off Hand a celestial Globe, and standing on a great brass Gun, proper.

Extinct since the engraving his Coat.

Richard Lumley, Earl of Scarborough, Viscount Lumley of Lumley Castle, and Viscount Lumley of Waterford, and Baron Lumley of Lumley.

## Creations.

Viscount Lumley of Waterford 12 July, 4 Car. 1. (1628.) [Irish Honour.] Baron Lumley (of Lumley Castle in Com' Dunelm') by Patent 31 May, 23 Car. 2. (1681.) in default of Heir Male remainder to a Brother. Viscount Lumley of Lumley Castle 10 Apr. 1 Will' & Mar' (1689.) and Earl 15 Apr. 2 Will' & Mar' (1690.)

## Arms.

Argent, a Fess, Gules, between 3 Parrots, proper, gorged with Collars, Gules. Crest, on a Wreath, a Pelican in her Piety, i. e. feeding her Young, Argent, standing in her Nest, Sable. Supporters, two Parrots (collared as in the Coat) and vulned on their Shoulders, proper. Motto, *Murus aeneus conscientia sana*.

George Booth, Earl of Warrington, Baron Delamer of Dunham-Massy, and Baronet.

## Creations.

Baronet 20 May, 9 Jac. 1. (1611.) Baron Delamer (of Dunham-Massy in Com' Cest'r) by Patent 20 Apr. 13 Car. 2. (1661.) and Earl 17 Apr. 2 Will' & Mar' (1690.)

## Arms.

Argent, 3 Boars Heads, erected and crested, Sable. Crest, on a Wreath, a Lion passant, Argent. Supporters, two Boars, Sable. Motto, *Quod ero spero*.

Richard Newport, Earl of Bradford, Viscount Newport of Bradford, and Baron Newport of High-Arcal.

## Creations.

Baron Newport (of High-Arcal in Com' Salop) by Patent 14 Oct. 18 Car. 1. (1642.) Viscount 11 Mar. 27 Car. 2. (1674.) And Earl 11 May, 6 Will' & Mar' (1694.)

## Arms.

Argent, a Chevron, Gules, between three Leopards Faces, Sable. Crest, on a Wreath, an Unicorn's Head crested, Argent, gorged with a Ducal Coronet, Or. Supporters, two Lynxes, proper. Motto, *Ne ultra modum sapere*.

Frederick Zulestien, Earl of Rochford, Viscount Tunbridge, and Baron of Enfield.

## Creations.

Baron of Enfield (in Com' Middlesex') Viscount and Earl, by Patent 10 May, 7 Will' 3. (1695.)

## Arms.



*Arms.*

‘ *Nassau*, viz. *Azure*, Semé of Billets, and a Lion rampant, *Or*, within a Bordure, *Ermine*. Those of *Zulestein*, are *Gules*, three *Zules*, *Or*. Crest, Out of a Crown, a Pair of Hart’s-horns, proper. Supporters, two Lions, *Ermine*.

‘ *Arnold Joust van Keppel*, Earl of *Albemarle*, Viscount *Bury*, and Baron *Ashford* of *Ashford*.

*Creations.*

‘ Baron *Ashford* (of *Ashford* in *Com’ Cantii*) Viscount *Bury*, and Earl by Patent 10 Febr. 8 *W.* 3. (1696.)

*Arms.*

‘ *Gules*, three Escallops, *Argent*. Crest, out of a Marquis’s Coronet, *Or*, a Swan’s Neck and Breast, *Argent*. Supporters, two Lions regardant, *Or*.

‘ *Gilbert Coventry*, Earl of *Coventry*, Viscount *Deerbursf*, and Baron *Coventry* of *Ailesborough*.

*Creations.*

‘ Baron *Coventry* (of *Ailesborough* in *Com’ Wigorn’*) by Patent 26 Apr. 9 *Will’* 3. (1697.)

*Arms.*

‘ *Sable*, a Fefs *Ermine* between three Crests, *Or*. Crest, on a Wreath, a Cock, *Gules*, crested and wattled, *Or*, standing on a prostate Garb of the same. Supporters, two Eagles, *Argent*. Motto, *Candide & Constanter*.

‘ *Edward Russel*, Earl of *Orford*, Viscount *Barfleur*, and Baron of *Shingey*.

*Creations.*

‘ Baron of *Shingey* (in *Com’ Cantab’*) Viscount and Earl by Patent 7 May, 9 *W.* 3. (1697.) With Remainder to *Tho. Cheek*, Esq; Governour of the *Tower* of *London*.

*Arms.*

‘ The same as the Duke of *Bedford*, viz. *Argent*, a Lion rampant, *Gules*, on a Chief, *Sable*, three Escallops of the First, with a Crest for Difference. Crest, on a Wreath, a Goat passant, *Argent*, armed, *Or*. Supporters, On the Dexter Side, a Lion; on the Sinister Side, an Antelope, both *Gules*, the latter attired, *Or*, and both laying their off Fore-legg upon Anchors, *Or*. Motto, *Che Sara, Sara*.

‘ *William Villiers*, Earl of *Jersey*, Viscount *Villiers* of *Dartford*, and Baron *Villiers* of *Hoo*.

*Creations.*

‘ Baron *Villiers* (in *Com’ Cantii*) and Viscount by Patent 20 Mar. 3 *Will’ & Mar’* (1690.) And Earl 24 Sept. 9 *W.* 3. (1697.)

†

*Arms.*

‘ *Argent*, on a Cross, *Gules*, Five Escallops, *Or*. Anciently, *Sable*, a Fefs between three Cinquefoils, *Argent*; Crest, on a Wreath, a Lion rampant, *Argent*, Ducally Crowned, *Or*. Supporters, two Lions, *Argent*, crowned with Ducal Coronets, and gorged with Collars, *Gules*, each charged with three Escallops, as in the Arms.

‘ *Henry de Averquerque*, Earl of *Grantbam*, Viscount *Boston*, and Baron of *Offord*.

*Creations.*

‘ Baron *Offord* (of *Offord* in *Com’ Linc’*) Viscount and Earl by Patent 24 Dec. 2. 10 *W.* 3. (1698.)

*Arms.*

‘ Quarterly, 1. *Nassau*, viz. *Azure*, billettè, a Lion rampant, *Or*. 2. *Deitz*, viz. *Or*, a Lion rampant guardant, *Gules*, crowned, *Azure*. 3. *Veanden*, viz. *Argent*, a Fefs, *Gules*. 4. *Catfenelobogen*, viz. *Gules*, two Lions passant guardant in pale, *Or*; in a Scotcheon sur tout, *Argent*; a Lion rampant, *Sable*. Crest, on a Chapeau, *Azure*, lined *Ermine*, a Lion rampant guardant, *Or*. Supporters, On the Dexter Side, an Eagle regardant, *Sable*; On the Sinister Side, a Lion rampant, *Or*: On his Head a Coronet, *Azure*.

‘ *John Campbell*, Duke of *Argyle*, Marquis of *Kyntire* and *Lorne*, Earl of *Greenwich*, *Campbel*, i.e. *Argyle* and *Covall*, Viscount *Lochbone* and *Glen-Isla*, Baron of *Chatbam*, *Inverrerray*, *Mull*, *Moverne*, and *Fenney*; Hereditary Sheriff and Lieutenant of the Shires of *Argyle* and *Turbette*, and Hereditary Justice-General of the said Shires, and Lord Great Master of the Household in *Scotland*.

*Creations.*

‘ . . . . Earl of *Argyle*, by *James II.* King of *Scotland*, Marquis of *Argyle*, temp’ *Car. 1.* (1641.) Again, Marquis and Duke temp’ *Will’* 3. ( ) &c. [*Scots Honours.*] Baron of *Chatbam*, in *Com’ Cantii*, and Earl of *Greenwich*, by Patent . . . . Nov. 4 *Q. Anne* (1705.) [*English Honours.*]

*Arms.*

‘ Parti per pale Fefs Bend Dexter and Sinister, *Or*, and *Sable*: Crest, on a Wreath, a Boar’s Head, proper, (as in the College of Arms;) but some *Scots Manuscripts* say, *Or*. Supporters, two Lions guardant, *Gules*. Motto, *Ne obli-viscaris*.

‘ *John Poulet*, Earl *Poulet*, Viscount *Hinton*, and Baron *Poulet* of *Hinton St. George*.

Q

*Creations.*



## Creations.

- ‘ Baron Poulet, (of Hinton St. George, in Com’ Somerset’ ) by Patent 23 June, 3 Car. 1.  
 ‘ (1627.) Viscount and Earl 29 Dec. 5 Q. Anne  
 ‘ (1706.)

## Arms.

- ‘ Sable, three Swords in pile, their Points in  
 ‘ base, Argent, and hilted, Or; Crest, on a  
 ‘ Wreath, an armed Arm embowed, proper;  
 ‘ holding a Dagger, Argent, hilted, Or. Sup-  
 ‘ porters, two Savage Men, proper. Motto, *Garde*  
 ‘ *la Foy*.

- ‘ Francis Godolphin, Earl of Godolphin, Vis-  
 ‘ count Rialton, and Baron Godolphin of Rialton.

## Creations.

- ‘ Baron Godolphin (of Rialton in Com’ Cornub’)  
 ‘ by Patent 8 Sept. 36 Car. 2. (1684.) Viscount  
 ‘ and Earl, 29 Dec. 5 Q. Anne (1706.)

## Arms.

- ‘ Gules, an Eagle display’d with two Heads,  
 ‘ between three *Fleurs-de-Lys*, Argent; with a  
 ‘ Crescent for difference. Crest, on a Wreath,  
 ‘ a Dolphin naiant embowed, Sable. Supporters,  
 ‘ two Eagles regardant, Argent. Motto, *Franc*  
 ‘ *ba leal eloge*.

- ‘ Hugh Cholmondeley, Earl of Cholmondeley,  
 ‘ Viscount Malpas and Kells, and Baron Chol-  
 ‘ mondeley of Wich-Malbank.

## Creations.

- ‘ Viscount Kells 29 Mar. 13 Car. 2. (1661.)  
 ‘ with Remainder, in Default of Issue, to his Bro-  
 ‘ ther. [*Irisb* Honour.] Baron Cholmondeley (of  
 ‘ *Wich Malbank*, alias *Namptwich*, in Com’ *Cestr*’)  
 ‘ by Patent 9 Apr. 1 Will. & Mar. (1689.) Vis-  
 ‘ count and Earl 29 Dec. 5 Q. Anne (1705.)

## Arms.

- ‘ Gules, two Helmets in Chief, Argent, gar-  
 ‘ nished, Or; and in Base a Garb of the third  
 ‘ Crest, on a Wreath a Demi-Griffin rampant,  
 ‘ couped, Sable, holding between his Talons an  
 ‘ Helmet as in the Coat. Supporters, On the Dexter  
 ‘ Side, a Griffin Sable, winged and bequed, Or;  
 ‘ On the Sinister Side, a Wolf, Or, the last col-  
 ‘ lared, Fair.

- ‘ Robert Harley, Earl of Oxford and Earl Mor-  
 ‘ timer, and Baron Harley of Wigmores.

## Creations.

- ‘ Baron Harley (of Wigmores in Com’ Hereford’)  
 ‘ and Earl by Patent 24 May, 10 Q. Anne,  
 ‘ (1711.)

## Arms.

- ‘ Or, a Bend betwixt two Coittses, Sable;  
 ‘ Crest, on a Wreath, out of a Castle, Argent,  
 ‘ a Demi-Lion rampant, Gules. Anciently, the  
 ‘ Crest, on a Wreath, a Buck’s-Head erased, pro-  
 ‘ per; armed, Or. Supporters, two Angels vested,  
 ‘ all Or. Motto, *Virtute & Fide*.

- ‘ Robert Shirley, Earl Ferrers, Viscount Tam-  
 ‘ worth, Baron Ferrers (of Chartley) and Ba-  
 ‘ ronet.

## Creations.

- ‘ Baronet 22 May, 9 Jac. 1. (1611.) and  
 ‘ Baron by Summons 14 Decemb. 29 Car. 2.  
 ‘ (1677.) by Descent anciently 26 July, 1 Ed. 4.  
 ‘ (1461.) Originally 6 Feb. 27 Ed. 1. (1298.)  
 ‘ Viscount and Earl 3 Sept. 10 Ann. (1711.)

## Arms.

- ‘ Paly of Six, Or and Azure, a Canton Er-  
 ‘ mine. Crest, on a Wreath, a Bust, or side-  
 ‘ faced Head of a Man, proper, wreathed, Or  
 ‘ and Azure. Supporters, on the Dexter Side a  
 ‘ Talbot, Ermine, eared, Or, Ducally gorged,  
 ‘ Gules; On the Sinister, a Rane Deer, Gules,  
 ‘ attired and gorged with a Ducal Coronet, and  
 ‘ lined, all Argent; but of late the Lines omitted.  
 ‘ Motto, *Vertutis Honor premium*.

- ‘ Thomas Wentworth, Earl of Strafford, Vis-  
 ‘ count Wentworth of Wentworth, Woodhouse  
 ‘ and Stainborough, Baron of Raby-Newmarch  
 ‘ and Overfley, and Baronet.

## Creations.

- ‘ Baronet 29 June, 9 Jac. 1. (1611.) Baron  
 ‘ Raby (of Raby in Com’ Dunelm’) by Patent  
 ‘ 12 Jan. 15 Car. 1. (1639.) by vertue of En-  
 ‘ tail in the Patent, and allowed Baron 3 W. 3.  
 ‘ ( . . . ) Viscount and Earl 4 Sept. 10 Q. Anne  
 ‘ (1711.)

## Arms.

- ‘ Sable, a Chevron between 3 Leopards Faces,  
 ‘ Or. Crest, on a Wreath, a Griffin passant,  
 ‘ Argent, bequed and membred, Gules, anci-  
 ‘ ently gorged with a Ducal Coronet, Or.  
 ‘ Supporters, on the Dexter Side a Griffin,  
 ‘ as the Crest; on the Sinister Side a Lion,  
 ‘ Or, langued and armed, Gules. Motto, *En dieu*  
 ‘ *est tout*.

- ‘ William Legg, Earl of Dartmouth, Viscount  
 ‘ Levisbam and Baron Dartmouth.

## Creations.

- ‘ Baron Dartmouth (of Dartmouth in Com’ De-  
 ‘ von’) by Patent 2 Dec. 34 Car. 2. (1682.)  
 ‘ Viscount and Earl 5 Sept. 10 Q. Anne (1711.)

## Arms.



Arms.

‘ *Azure*, a Stag’s head caboshed, *Argent*. Crest, out of a Crown Ducal, *Or*, a Plume of Feathers, *Argent* and *Azure*, alternately. Supporters, on the Dexter Side a Lion, *Argent*, Semé of *Fleur-de-Lys*, *Sable*, and ducally crowned, *Or*; out of it a Plume, *Argent* and *Azure*. On the Sinister Side, a Stag, *Argent*, Semé de Mulletts, *Gules*, attired, *Silver*.

‘ Henry Pagit, Earl of Uxbridge, Baron Pagit of Beaufert, and Baron Burton of Burton.

Creations.

‘ Baron Pagit (of Beaufert in Com’ Stafford’) by Summons 3 Dec. 4 *Ed.* 6. (1550.) Baron Burton (of Burton in Com’ Staff’) by Patent 1 Jan. 10 *Q.* Anne (1711.) and Earl 1 *Geo.* (1714.)

Arms.

‘ *Sable*, on a Cross engrailed between 4 Eagles display’d, *Argent*, 5 Lions passant of the First. Crest, on a Wreath, a Demi-Tyger couped, *Sable*, gorged with a Ducal Coronet, *Argent*, armed, maimed and tufted of the same. Supporters, two Tygers, *Sable*, gorged with Ducal Coronets, armed, maimed and tufted, all *Argent*. Motto, *Par il suo contrario*.

‘ James Bruges, Earl of Carnarvan, Viscount Wilton, and Baron Chandois.

Creations.

‘ Baron Chandois (of Sudeley in Com’ Gloucest’) by Patent 8 Apr. 1 Mar’ (1554.) Baronet 17 Mar, 3 *Car.* 1. (1627.) Viscount and Earl 1 *Geo.* (1714.)

Arms.

‘ *Argent*, on a Cross, *Sable*, a Leopard’s Head, *Or*. Crest, on a Wreath, the Bust of an old Man side-faced, *proper*, wreathed about the Temples, *Argent* and *Azure*, vested paly, *Argent* and *Gules*, and Semé of Roundles counter-changed. Supporters, two Beavers, *Argent*. Motto, *Maintien le droit*.

‘ Lewis Watson, Earl of Rockingham, Viscount Sondes of Lees-Court, Baron Rockingham of Rockingham, and Baron of Throley, and Baronet.

Creations.

‘ Baronet 23 June, 19 Jac. 1. (1621.) Baron Rockingham (of Rockingham-Castle in Com’ Northampton’) by Patent 28 June, 20 *Car.* 1. (1644.) Baron (of Throley in Com’ Cantii’) Viscount and Earl 1 *Geo.* (1714.)

Arms.

‘ *Argent*, on a Chevron, *Azure*, between 3 Martlets, *Sable*, as many Crescents, *Or*; anciently the Chevron engrailed. Crest, on a Wreath, a Griffin’s Head erased, *Argent*, gorged with Ducal Coronets, *Or*. Supporters, two Griffins, *Argent*, gorged with Ducal Coronets, *Or*. Motto, *Mea gloria fides*.

‘ Charles Bennet, Earl of Tankerville, and Baron Offulston of Offulston.

Creations.

‘ Baron Offulston (of Offulston in Com’ Middl’) by Patent 24 Nov. 34 *Car.* 2. (1682.) and Earl by Patent 1 *Geo.* (1714.)

Arms.

‘ *Gules*, a Besant between 3 Demi-Lions rampant couped, *Argent*. Crest, on a Wreath, a Demi-Lion rampant, *Argent*, holding a Besant; anciently out of a Ducal Crown, *Gules*, a Lion’s Head of the same, charged on the Shoulder with a Besant, which is now born. Supporters, two Lions, *Argent*, crowned, *Or*, each having on his Shoulder a Besant *aliter a Torteaux*. Motto, *Haud facile emergunt*.

‘ Heneage Finch, Earl of Ailesford, and Baron Guernsey of Guernsey.

Creations.

‘ Baron Guernsey (of Guernsey in Com’ Southampton’) by Patent 9 May, 2 *Q.* Anne (1702.) and Earl 1 *Geo.* (1714.)

Arms.

‘ The same as the Earl of Nottingham, viz. *Argent*, a Chevron between 3 Griffins passant segreant, *Sable*, with a Crescent for Difference, *Or*. Crest, on a Wreath, a Griffin passant, *Sable*, on his Breast a like Crescent. Supporters, on the Dexter Side a Griffin, *Sable*; on the Sinister Side a Lion, *Or*, both gorged with Ducal Coronets; the first, *Or*, the last *Azure*. Motto, *Aperto vivere voto*.

‘ John Harvey, Earl of Bristol and Baron Harvey (of Ickworth.)

Creations.

‘ Baron Harvey (of Ickworth in Com’ Suffolk’) by Patent 9 May, 2 *Q.* Anne (1702.) and Earl 1 *Geo.* (1714.)

Arms.

‘ *Gules*, on a Bend, *Argent*, 3 Trefoils, *Vert*. Crest, on a Wreath, a Lynx passant, *proper*, belanted, *Or*, collared and lined of the same, holding up in his Dexter Paw a Trefoil, *Vert*; which Trefoil is of late omitted; anciently, say some, their Crest was a Lynx, *Sable*, belanted, collared,



‘ collar’d, and holding the Trefoil as above.  
 ‘ Supporters, two Lynxes, *proper*, besanted and  
 ‘ gorged with Ducal Coronets, *Or*. Motto, *Je*  
 ‘ *n’oubliera jamais*.

‘ *George Montagu*, Earl of *Halifax*, Viscount  
 ‘ *Sunbury*, and Baron of *Halifax*.

*Creations.*

‘ Baron *Halifax* (of *Halifax* in *Com’ Ebor’*)  
 ‘ with an Entail on the Elder Brother of *Charles*  
 ‘ 1st Baron *Halifax*, Viscount and Earl about  
 ‘ *June 1 Geo’* (1715.)

*Arms.*

‘ The same as the Earl of *Manchester*, viz.  
 ‘ *Argent*, 3 Fusils conjoyned in Fess, *Gules*, a  
 ‘ Bordure, *Sable*, with due difference. Crest,  
 ‘ on a Wreath, a Griffin’s Head couped, *Or*,  
 ‘ bequed and charged on the Breast with a Port-  
 ‘ cullice, *Sable*. Supporters, two Griffins, *Argent*,  
 ‘ the Body Gutté, *Gules*, winged of the last,  
 ‘ bequed and charged on the Shoulders with  
 ‘ Portcullices, *Sable*. Motto, *Otium cum digni-*  
 ‘ *tate*.





2  
Viscounts



*The Rt Hon<sup>ble</sup> Price Devereux  
Lord Viscount Hereford*



*The Rt Hon<sup>ble</sup> Henry Brown  
Lord Viscount Mountacute*



*The Rt Hon<sup>ble</sup> Laurence Fiennes  
Lord Viscount Say and Sele*



*The Rt Hon<sup>ble</sup> Thomas Belasyse  
Lord Viscount Falconberg*



*The Rt Hon<sup>ble</sup> Charles Townshend  
Lord Viscount Townshend*



*The Rt Hon<sup>ble</sup> Thomas Thynne  
Lord Viscount Weymouth*





*The R<sup>th</sup> Hon<sup>ble</sup> William Hatton  
Lord Viscount Hatton*



*The R<sup>th</sup> Hon<sup>ble</sup> Henry Lonsdale  
Lord Viscount Lonsdale*



*The R<sup>th</sup> Hon<sup>ble</sup> Henry O. Bryan  
Lord Viscount Tadcaster and  
Earl of Thomond in Ireland*



*The R<sup>th</sup> Hon<sup>ble</sup> Henry St. John  
Lord Viscount St. John*

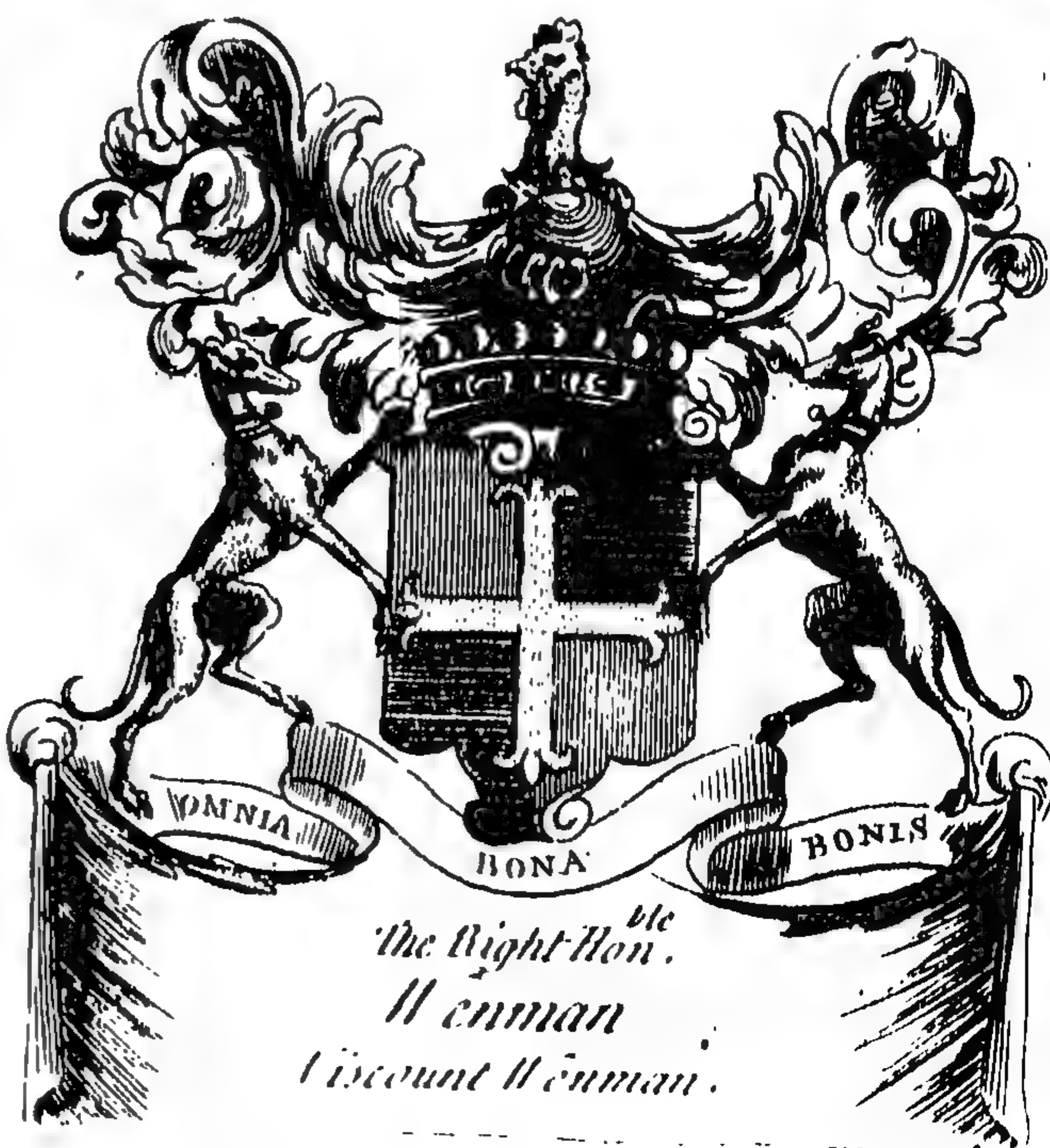
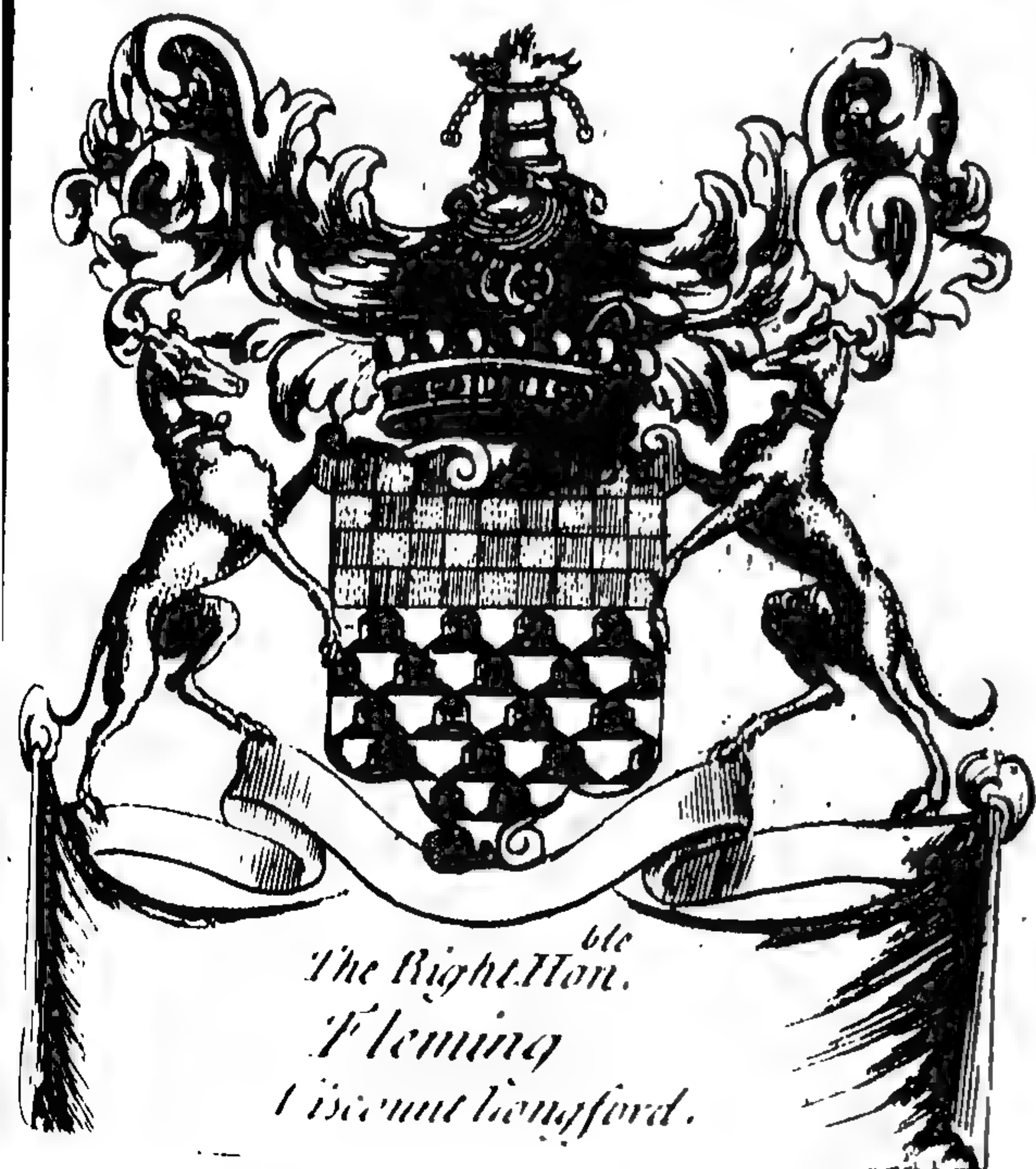
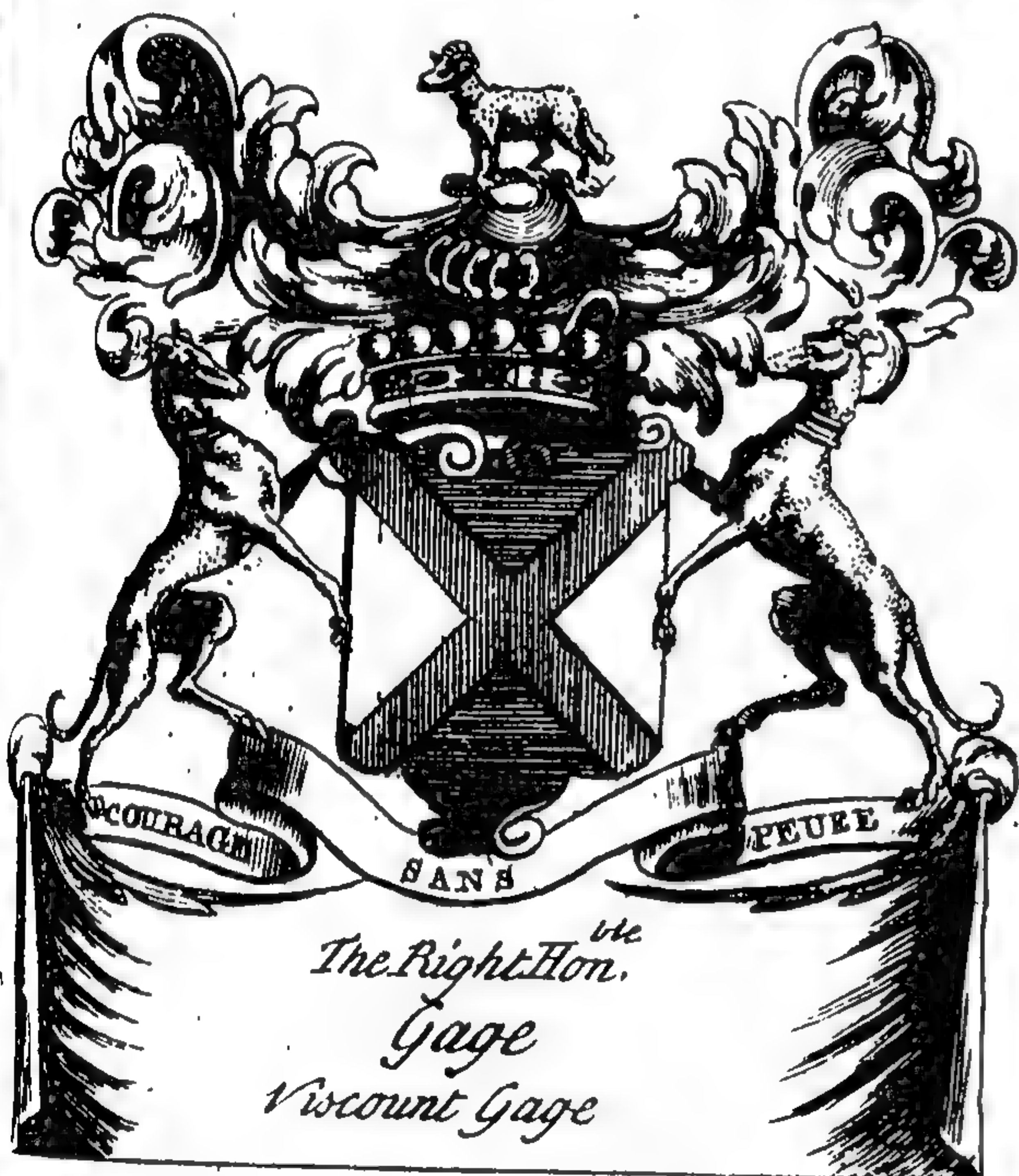


*The R<sup>th</sup> Hon<sup>ble</sup> Richard Temple  
Lord Viscount Cobham*



*The R<sup>th</sup> Hon<sup>ble</sup> Hugh Boscawen  
Lord Viscount Falmouth*

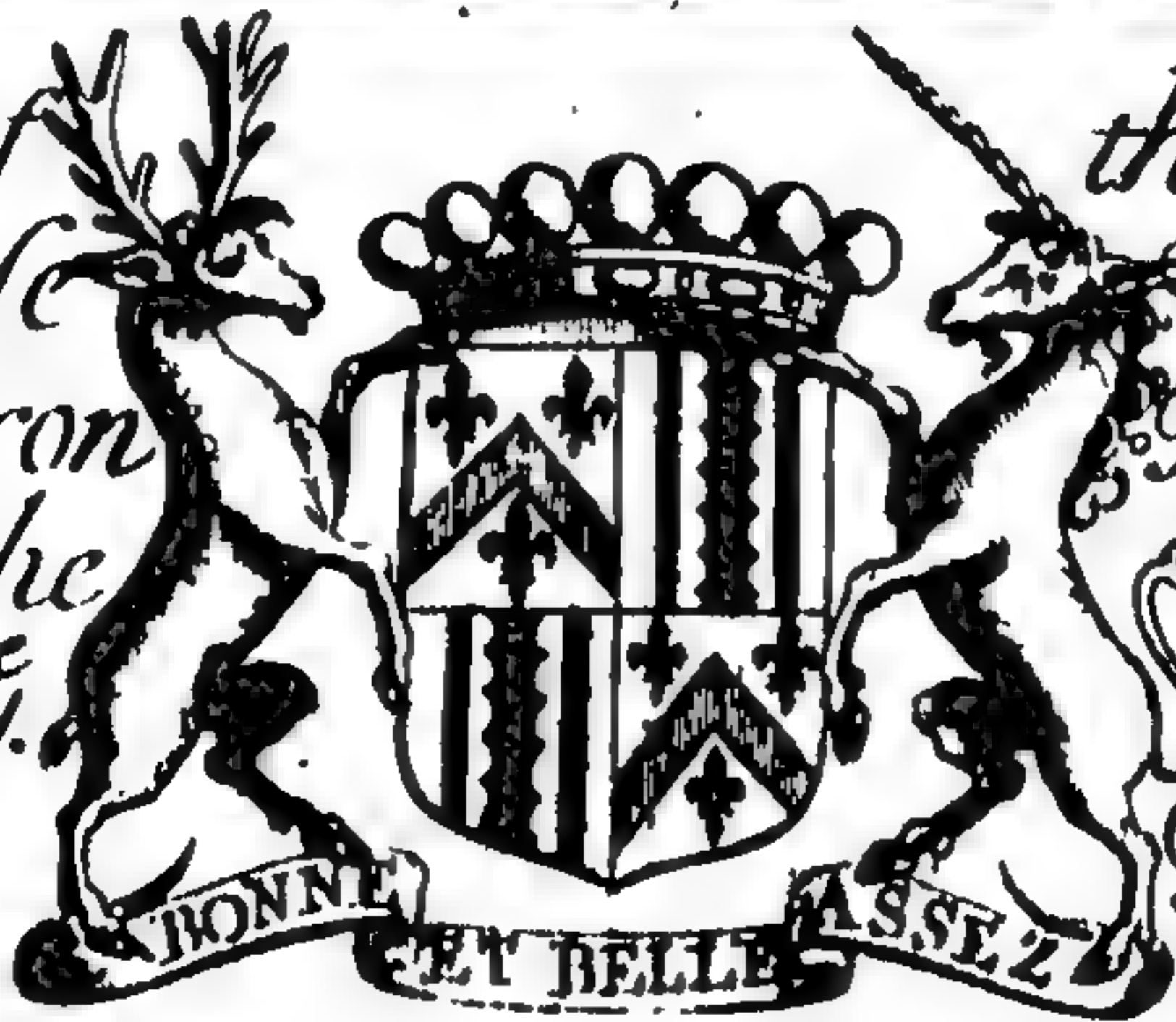






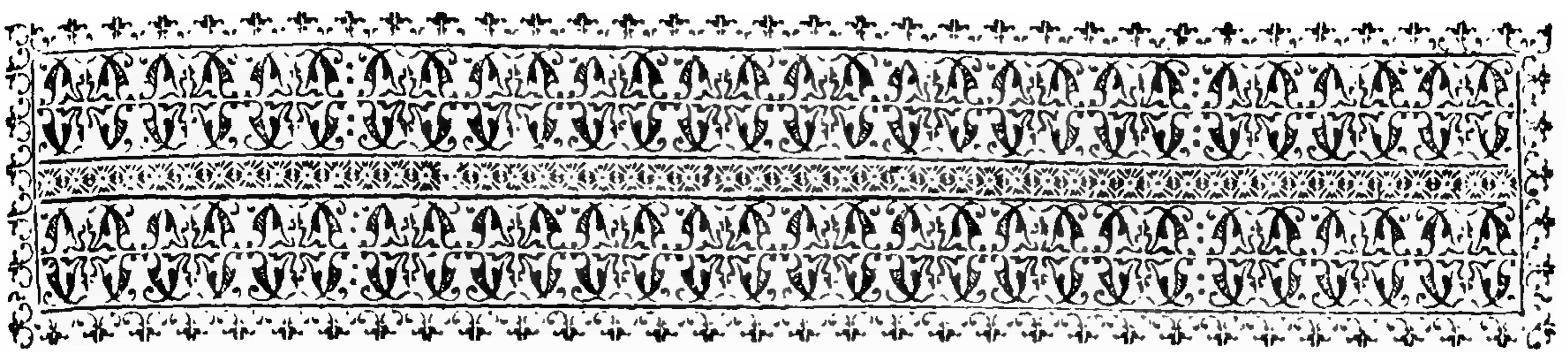


The Effigies of  
Thomas Belafise  
of Kentknowle Baron  
L<sup>d</sup> Leutenant of the  
shire And one of y<sup>e</sup>  
most Hon<sup>ble</sup>



the Right Hon<sup>ble</sup>  
Viscount Falconbergh  
Falconbergh of Yarm  
North rideing of York  
Lords of his Ma<sup>ties</sup>  
Privy Councell &  
R<sup>W</sup> King





# O F VISCOUNTS.

## C H A P. VII.



THE next Degree of Honour to an Earl is a Viscount, which was anciently a Name of Office under an Earl; who being an immediate Officer of the King's in their County (for that their personal Attendance was oft-times required at the Court) had his Deputy to look after the Affairs of the County, which at this Day is an Office, and called a Sheriff, retaining the Name of his Substitution; in *Latin* therefore called *Vicecomes*. But about the Eighteenth of Henry the Sixth, it became a Degree of Honour, who conferred this Title upon John, Lord Beaumont, by Letters Patent.

A Viscount is created by Patent, as an Earl; hath a Hood, Surcoat, and Mantle, which hath on it two Guards and a half of white plain Furr, without Ermins: And his Coronet is only pearled with a Row of Pearls, close to the Chaplet.

He hath the Title of the Most Noble, Potent, and Honourable. He may have a Taverners in his own House: And his Viscountess may have her Train born up by a Woman out of her Superiors Presence, and in their Presence by a Man.

He is usually stiled by the King, *Our Right Trusty and Well-beloved Cousin*; but when of His Majesty's Most Honourable Privy-Council, then with the Addition of, *and Counsellors*.

' The most Noble, Potent and Honourable, Price Devereaux, Viscount Hereford, Baron Devereaux, and Baronet; the Premier Viscount of England.

### Creations.

' Viscount, &c. by Patent 2 Feb. 4 Ed. 6. (1549.) and Baronet 25 Nov. 25 Jac. 1. (1612.)

### Arms.

' *Argent*, a Fess, *Gules*, in Chief 3 Torteauxes. Crest, out of a Ducal Crown, *Or*, a Talbot's Head, *Argent*, eared, *Gules*. Supporters, on the Sinister Side a Rane Deer, *Gules*, attired, *Or*, gorged with a Ducal Coronet, and lined, *Or*. Motto, *Basis Virtutum Constantia*.

' Henry Brown, Viscount Montagu, and Baron Brown.

### Creations.

' Viscount, &c. by Patent 2 Sept. 2 Phil' & Mar' (1554.)

### Arms.

' *Sable*, 3 Lions passant in Bend, between two Gemels in Bend, *Argent*. Crest, on a Wreath, an Eagle displayed, *Vert*, as from Nevil Marquiss of Montagu, descended of Montbermer; anciently a Griffin's Head erased, *Or*, as descended from Fitz-Alan; sometimes a Buck tripping, *proper*, attired and gorged with a Ducal Crown, and lined, all *Or*, and temp. Hen. 7. on a Mount, a parcel of Fox-Gloves growing, *proper*. Supporters, two Bears, collared and lined; anciently two Lynxes, *Argent*, collared and lined, *Or*. Motto, *Snives Raison*.

' Lawrence



‘ *Lawrence Fienes*, Viscount and Baron *Say and Sele*.

*Creations.*

‘ Baron *Say and Sele* (in *Com’ Cantii*) by Summons, 3 *Mar.* 25 *Hen.* 6. (1446.) which Title was recognized 9 *Aug.* 1 *Jac.* 1. (1603.) and Viscount 7 *July*, 22 *Jac.* 1. (1624.)

*Arms.*

‘ *Azure*, 3 Lions rampant, *Azure*. Crest, an Allant or Wolf sejant, *Argent*, collared with a spiked Collar, and lined, with a Clog to it, *Or*. Supporters, two Allants, *Argent*, collared as aforesaid, and chained, with Clogs, *Or*.

‘ *Thomas Bellasis*, Viscount *Falconbergh* of *Henknowl*, and Baron *Falconbergh* of *Tarom*, and Baronet.

*Creations.*

‘ Baronet 29 *June*, 9 *Jac.* 1. (1611.) Baron *Falconbergh* (of *Tarom* in *Com’ Ebor’*) by Patent 25 *May*, 3 *Car.* 1. (1627.) and Viscount 31 *Jan.* 18 *Car.* 1. (1642.)

*Arms.*

‘ Quarterly, 1 and 4, *Argent*, a Chevron *Gules*, between 3 *Fleurs-de-Lys*, *Azure*, 2 and 3. *Argent*, a Pale engrailed plain cotised, *Sable*. Crest, on a Wreath, a Roe-Buck’s Head crafed, *proper*, attired, *Or*; in his Mouth an Acorn-branch slipped, *proper*; sometimes on a Wreath, a Lion guardant couchant, *Azure*, anciently an armed Arm embowed, *proper*, scarfed, *Gules*, holding in an Hand, *Carnation*, a broken Battle-ax, *Or*. Supporters, on the Dexter Side a Roe-Buck, with an Acorn-branch in his Mouth slipped, *proper*, anciently the same gorged with a Ducal Coronet, *Or*. On the Sinister Side an Unicorn, *Azure*, attired, barbed, maned and unguled, *Or*. Motto, *Bonne & Belle after*.

‘ *Charles Townshend*, Viscount *Townshend* of *Raynham*, Baron *Townshend* of *Lynn Regis*, and Baronet.

*Creations.*

‘ Baronet 16 *Apr.* 15 *Jac.* 1. (1617.) Baron *Townshend* (of *Lynn Regis* in *Com’ Norf’*) by Patent 20 *Apr.* 13 *Car.* 2. (1661.) and Viscount 2 *Dec.* 34 *Car.* 2. (1682.)

*Arms.*

‘ *Azure*, a Chevron Ermine, between 3 Escallops, *Argent*. Crest, on a Wreath, an Hart tripping, *proper*, attired, *Or*. Supporters, on the Dexter Side an Hart, *Sable*, attired, *Or*; on the Sinister Side a Greyhound, *Argent*. Motto, *Hæc generis Incrementa fides*.

‘ *Thomas Thynne*, Viscount *Weymouth*, Baron *Thynne* of *Warminster*, and Baronet.

*Creations.*

‘ Baronet 15 *July*, 17 *Car.* 1. (1641.) Baron *Thynne* (of *Warminster* in *Com’ Wilts*) and Viscount by Patent 11 *Dec.* 34. *Car.* 2. (1682.)

*Arms.*

‘ Quarterly 1 and 4, Barry of Ten, *Or* and *Sable*, the Arms of *Bollevilo* their original Name, 2 and 3, *Argent*, a Lion rampant, *queue fourche*, and nowed, *Gules*, which is an Augmentation, or *vice versa*. Crest, on a Wreath, a Rane Deer passant, *Or*. Supporters, on the Dexter Side a Rane Deer. on the Sinister Side a Lion. Motto, *Je ais bonne Cause*.

‘ *William Hatton*, Viscount *Hatton* of *Gretton*, and Baron *Hatton* of *Kirby*.

*Creations.*

‘ Baron *Hatton* (of *Kirby* in *Com’ Northamp’*) by Patent 29 *July*, 19 *Car.* 1. (1643.) and Viscount 17 *Jan.* 34 *Car.* 2. (1682.)

*Arms.*

‘ *Azure*, a Chevron between three Garbs, *Or*. Crest, on a Wreath, a Doe passant, *Or*. Supporters, two Horses, *Argent*, bridled, *Sable*. Motto, *Quid ni tandem*; which was sometimes inscribed upon the Reins.,

‘ *Talbot Telverton*, Viscount *Longueville*, Baron *Grey* of *Ruthyn*, and Baronet.

*Creations.*

‘ Baronet, 30 *Jan.* 17 *Car.* 1. (1641.) Baron *Grey* (of *Ruthyn* in *Com’ Denbeigh’*) by Descent and Summons 17 *Oct.* 31 *Car.* 2. (1679.) formerly allowed in Parliament 3 *Nov.* 16 *Car.* 1. (1646.) originally 16 *Ed.* 2. (1322.) and Viscount 21 *Apr.* 2 *Will’ & Mar’* (1690.)

*Arms.*

‘ *Argent*, 3 Lions rampant and a Chief, *Gules*. Crest, on a Wreath, a Lion passant regardant, *Gules*. Supporters, on the Dexter Side a Wyvern, *Or*, collared and lined, *Gules*. On the Sinister Side a Lion regardant, *Gules*. Motto, *Foy en tout*.

‘ *Henry Loutber*, Viscount *Lonsdale*, and Baron *Loutber* of *Loutber*, and Baronet (of *Scotland*.)

*Creations.*

‘ Baronet of *Nova Scotia* — Baron *Loutber* (of *Loutber* in *Com’ Westmorland’*) by Patent 28 *May*, 8 *W.* 3. (1696.)

*Arms.*



## Arms.

‘ Or, 6 Annulets, 3, 2, 1, *Sable*. Crest, a four-footed Dragon passant, *Argent*. Supporters, two Horses, *Argent*, gorged with Laurel Chaplets, *proper*. Motto, *Magistratus indicat virum*.

‘ Henry St. John, Viscount Bolinbroke, and Baron St. John of Lydiard-Tregose.

## Creations.

‘ Baron St. John (of Lydiard Tregose in Com’ *Wilts*) and Viscount by Patent 8 July, 11 Q. Anne (1712.) with Remainder in Default of Issue Male, to his Father and his Heirs Male.

## Arms.

‘ *Argent*, on a Chief, *Gules*, 2 Mulletts, *Or*, with a Label of 3 Points on a Crescent, for difference. Crest, on a Wreath, a Mount *Vert*, and thereon a Falcon rising, *Or*. Supporters, On the Dexter Side a Falcon, *Or*, gorged with a Ducal Coronet, *Gules*. On the Sinister Side, an Eagle, *Or*, *aliter* both Falcons; on his Breast an Horses Harness *remplis* per pale, *Argent* and *Sable*; therein a Crescent difference. Motto, *Nil admirari*. Attainted 1. of K. Geo.

‘ Henry O Brien, Earl of Thomond, Viscount Tadcaster, Baron of . . . . . and Baron of Ibri-can.

## Creations.

‘ Earl of Thomond for Life, *temp. H. 8.* and Baron of Ibri-can, to Heirs Male, *temp. H. 8.* again Earl of Thomond to Heirs Males, *temp. Ed. 6.* [*Irish Honours.*] Viscount Tadcaster, and Baron by Patent Octob. 1 K. Geo’ (1714.) [*English Honours.*]

## Arms.

‘ *Gules*, 3 Lions passant, guardant paleways, per pale, *Or* and *Argent*. Crest, on a Wreath,

‘ a naked Arm embowed, *proper*, holding a Sword, *Argent*, hilted, *Or*. Supporters, two Lions guardant, per Fess, *Or* and *Argent*. Motto, *Vigour au deffons*.

‘ James Saunderson, Viscount Castleton of England and Ireland, Baron Saunderson of Saxby, and Baron of Bautre, and Baronet.

## Creations.

‘ Baronet 25 Nov. 10 Jac. 1. (1612.) Viscount Castleton and Baron Saunderson of Bautre 11 July, 3 Car. 1. (1627.) [the two last *Irish Honours.*] Baron Saunderson (of Saxby in Com’ *Lincoln*) by Patent 1 K. Geo’ (1614.) after Viscount Castleton, [an *English Honour*,] viz. 30 June, 2 K. Geo’.

## Arms.

‘ Paly of 6 pieces, *Argent* and *Azure*, on a Bend, *Sable*, 3 Annulets, *Or*; which Annulets were a Distinction to this Line. Crest, on a Wreath, a Talbot passant, *Argent*, pyed and eared, *Sable*, *aliter*, the Talbot Ermine. Sometimes this Family used for Crest, on a Wreath, a Wolf’s Head vorant an Infant. Supporters, on the Dexter Side a Talbot pyed, or ermine, eared, *Sable*: And on the Sinister, a Griffin, *Gules*, Ducally gorged, bequed and membered, *Or*.

‘ Henry St. John, Baron of Battersea (in Com’ *Surr*) and Viscount St. John.

## Creations.

‘ Baron St. John, and Viscount by Patent 2 July, 2 K. George.

## Arms.

‘ *Argent*, on a Chief, *Gules*, two Mulletts pierced, *Or*, a Crescent difference  
‘ His Lordship’s Supporters are not as yet settled.





# OF THE LORDS SPIRITUAL.

## C H A P. VIII.



ACCORDING to the Laws and Customs of this Realm, many are the Ecclesiastical Dignities and Privileges belonging to the Bishops and Clergymen, who in all succeeding Ages have been revered with the greatest observance imaginable, as being acknowledged by all good Christians to be those Messengers sent, and particularly appointed by God to take care of our Souls.

The Subjects of *England* are either Clergy or Laymen, both which are subdivided into Nobility and Commons. Thus we find in our Parliament the Lords Spiritual and Temporal make the Upper-House; the Commons Spiritual, *viz.* the Clergy elected to sit in Convocation (who once had place and Suffrage in the Lower-House of Parliament) and the Commons Temporal, *viz.* the Knights and Burgesses make the Commons.

Most evident it is, by the Consent of all the Councils, Fathers, Histories, and Universal Tradition, That for the first fifteen Hundred Years continuance of Christianity, there is no Example to be found of any Church governed by any Authority Ecclesiastick, but that of Episcopacy; they were ordained by the Apostles themselves to be their Successors in Christ's Church, to have a vigilant Eye over the Pastors and Teachers under them, as to their Lives and Doctrine, for the Preservation of Truth and Peace, the Prevention of Scandal, Suppression of Heresie and Schism, and to have a Care of their Flock, to bring them to Salvation. 'Tis not therefore without reason that in all Times they have been the first of the two Divisions of the People, the Clergy and Laity;

and as Spiritual Barons take place of Temporal; they take their Name from the *Saxon* word *Bischoep*, a Super-intendent or Overseer.

They are three ways Barons of the Realm, *viz.* by Writ, Patent, and Consecration. They precede all under the Degree of Viscounts, and are always placed upon the King's Right Hand in the Parliament House. They have the Title of Lords, and Right Reverend Fathers in God: And their Sees, by the Piety of former Times, are endowed with fair Revenues for the due Administration of what belongs to their Places: And to keep them from corrupt and sinister Affections, the King's most Noble Progenitors, and the Ancestors of the Nobility and Gentry, have sufficiently endowed the Church with Honour and Possessions.

Many Privileges and Immunities were likewise granted to them, and the Clergy, by the *Saxon* and *Danish* Kings; as Coining of Money, Conferred the Order of Knighthood, &c. which hath been long since appropriate to the Crown. Thus *Lanfrank*, Archbishop of *Canterbury*, made *William* the Second Knight in the Life-time of his Father.

Of Privileges remaining, some belong to the Archbishops; some to the Bishops, as they are so; and some to them, and all other of the Clergy.

We read of three Archbishopricks in *England* before the *Saxons* came amongst us; *viz.* that of *London*, *York*, and *Carleon* upon *Uske*: But Christianity being thence expelled by the Pagans, the Succession of those Sees ceased, till it pleased God to restore the Light of his Gospel to the blind *Saxons* (which in this Kingdom had planted themselves) by the Ministration of St. *Augustin*, who first preached Salvation to them at *Canterbury*,





Reverendissimus in Christo Pater  
 Gulielmus Wake  
 Archiepiscopus  
 totius Angliæ Primas  
 Serenissimæ Regi GEORGI  
 in Christa Pater  
 Providentiæ Divina  
 Cantuariensis  
 et Metropolitani  
 Secretioribus Consiliis.

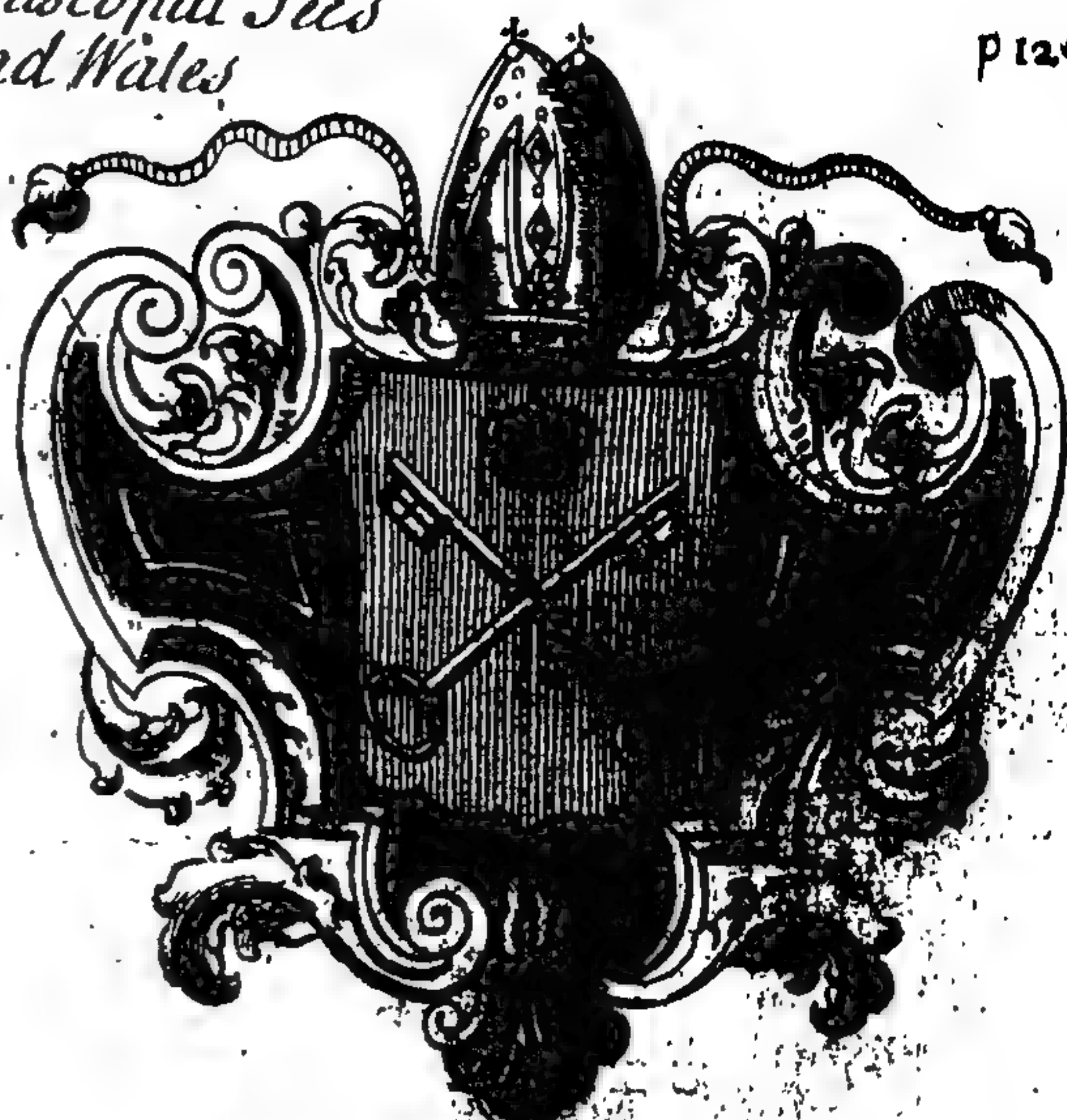


W. Wake del. Sculpsit.





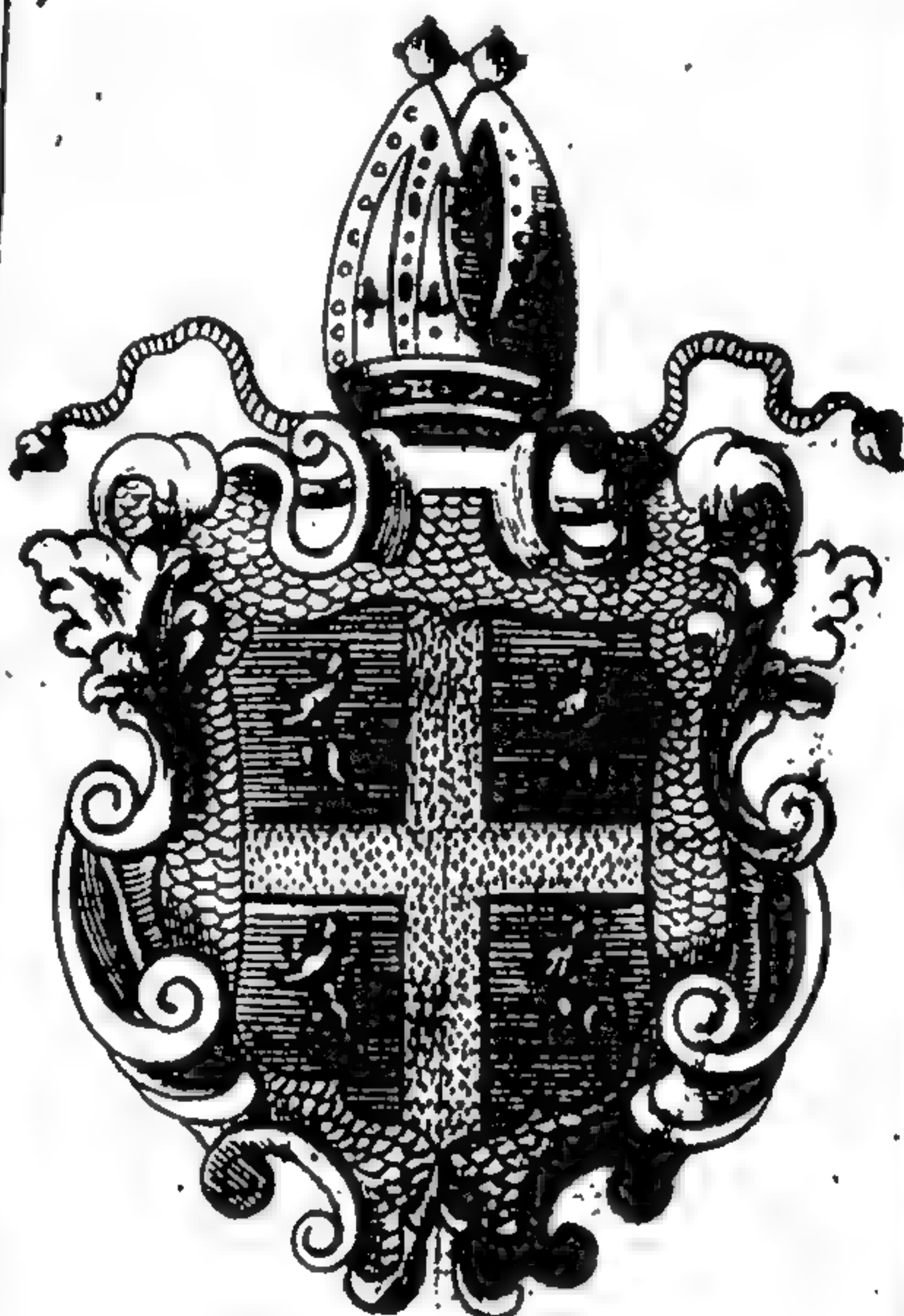
Canterbury.



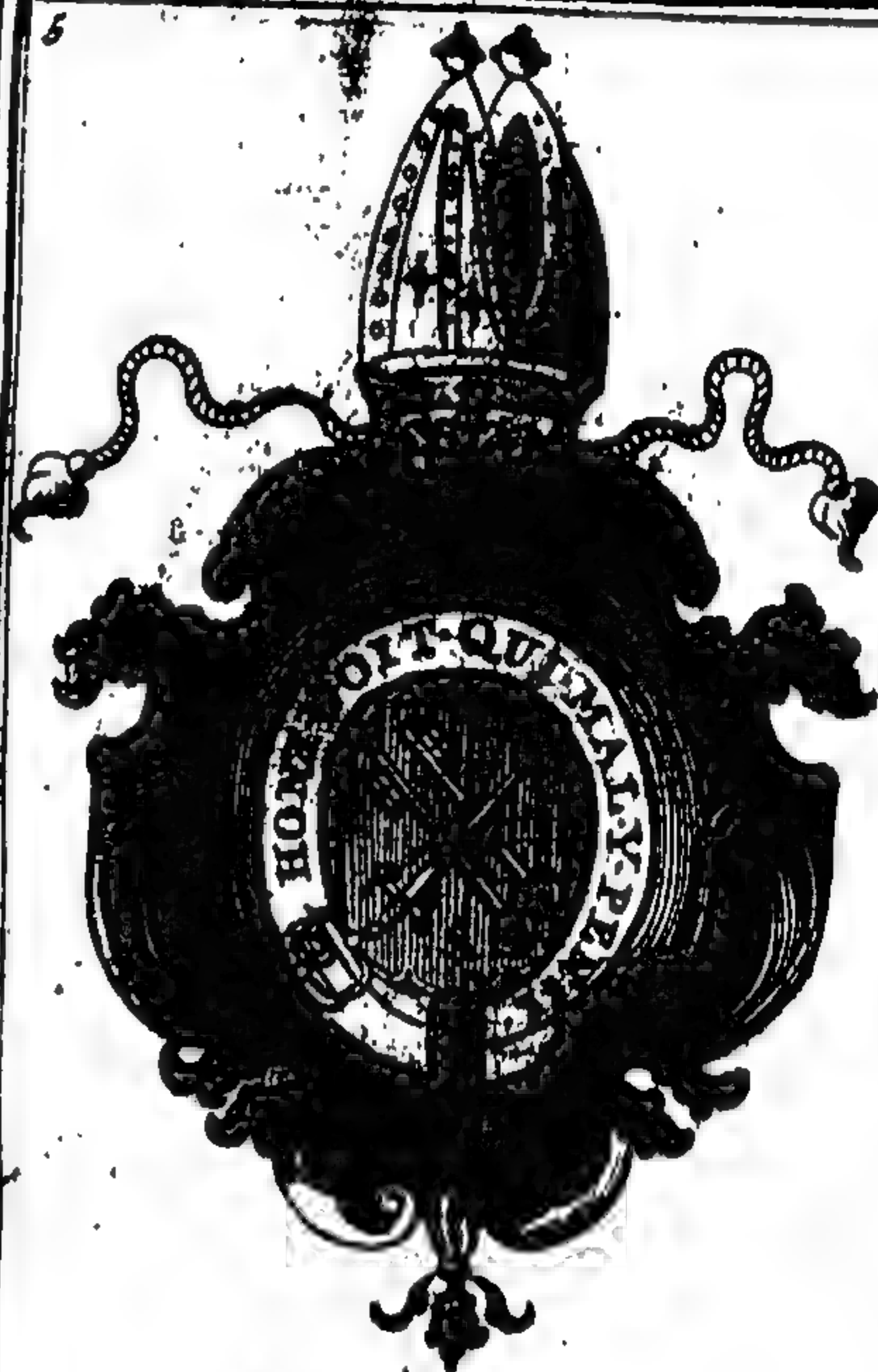
York.



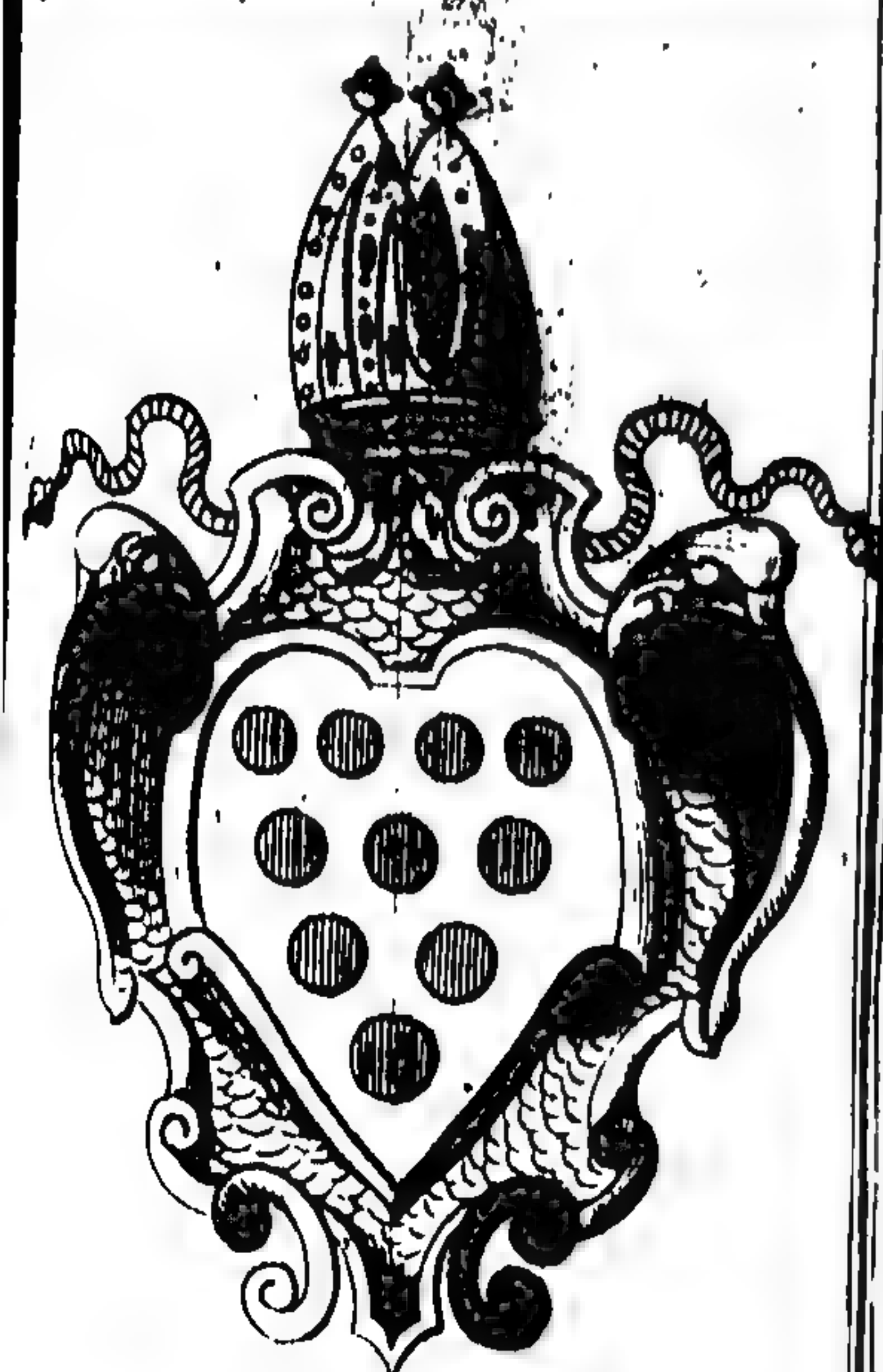
London.



Durham.



Winchester?



Worcester?



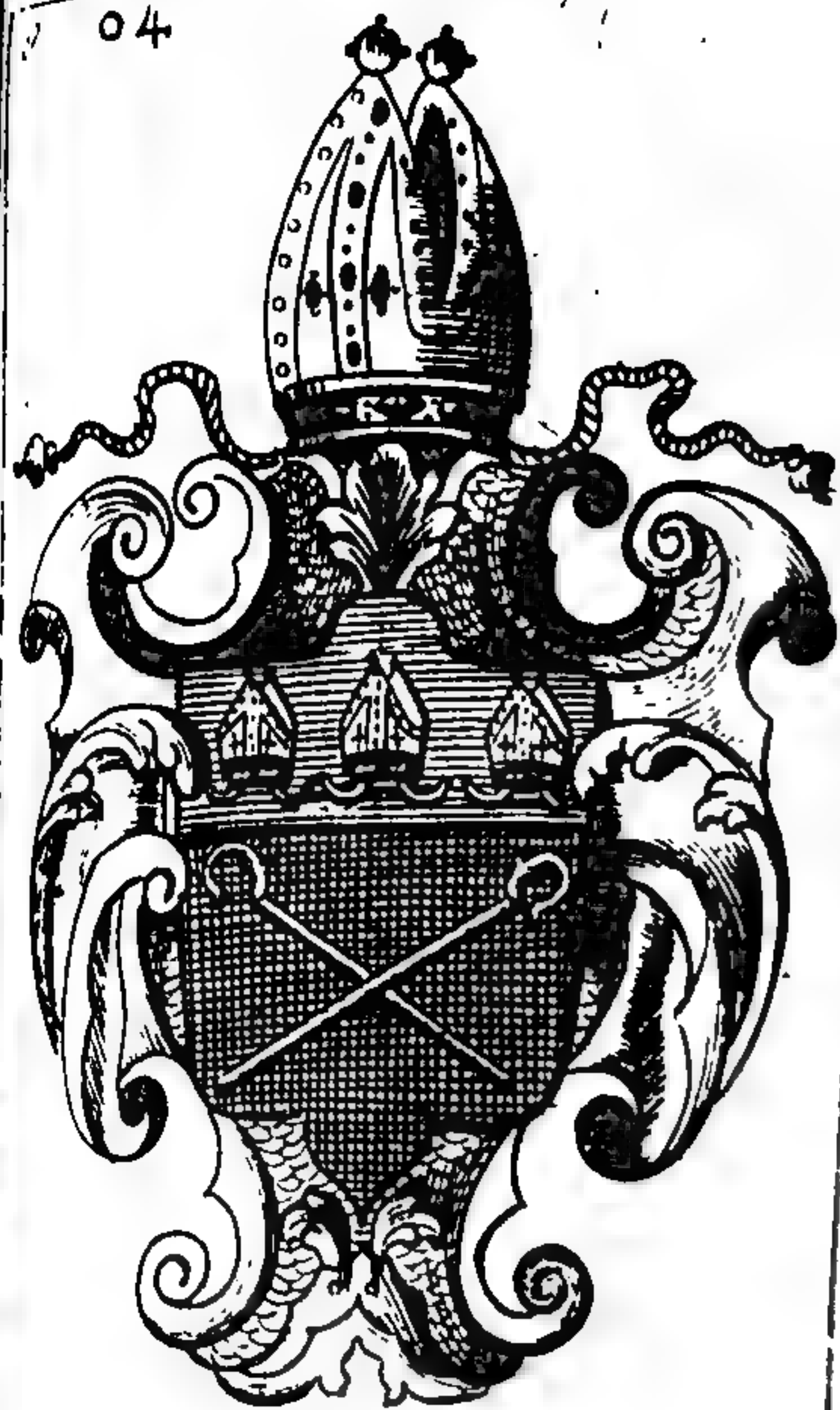
Salisbury.



Bath and Wells.

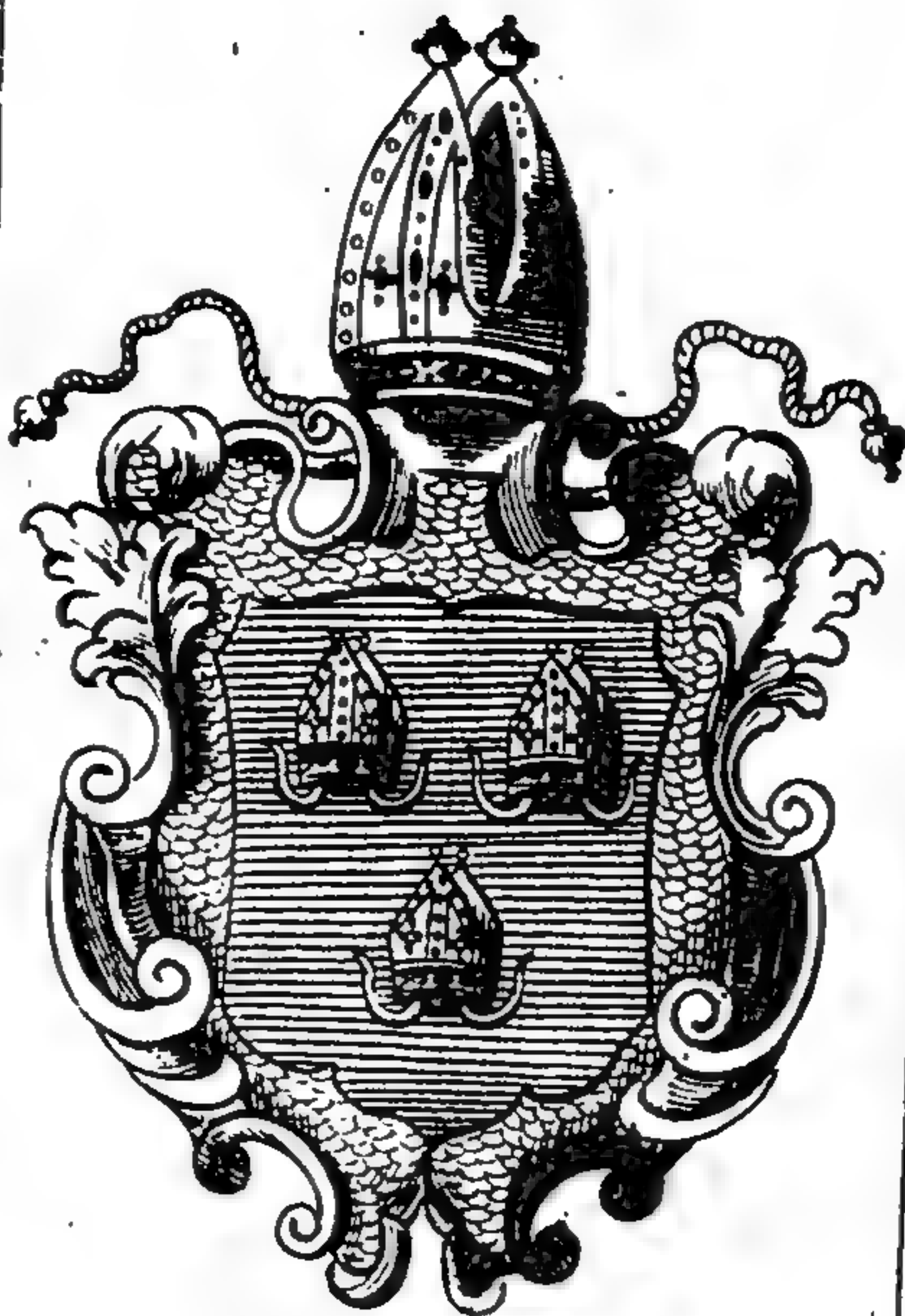


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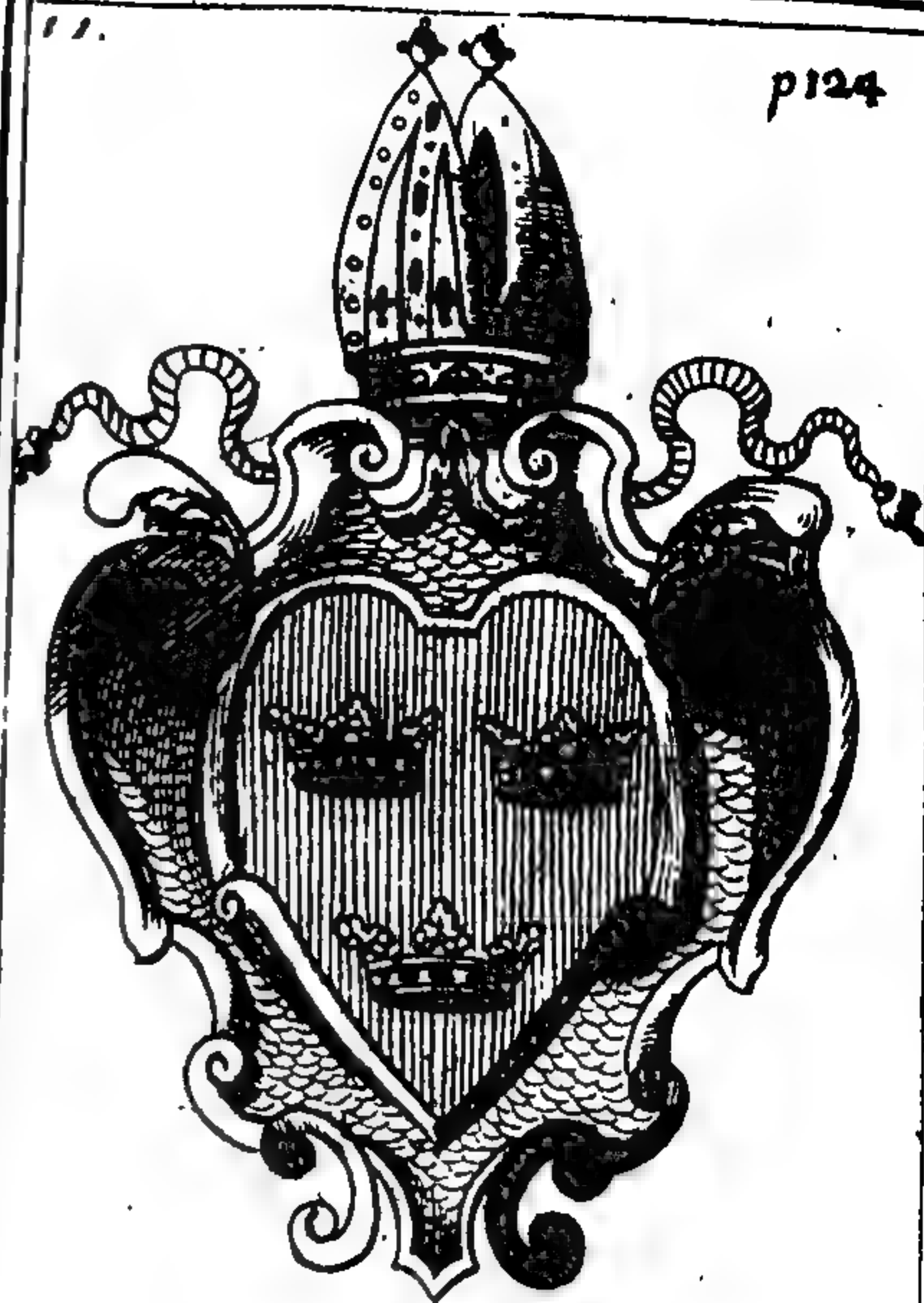
*Landaff.*

10.



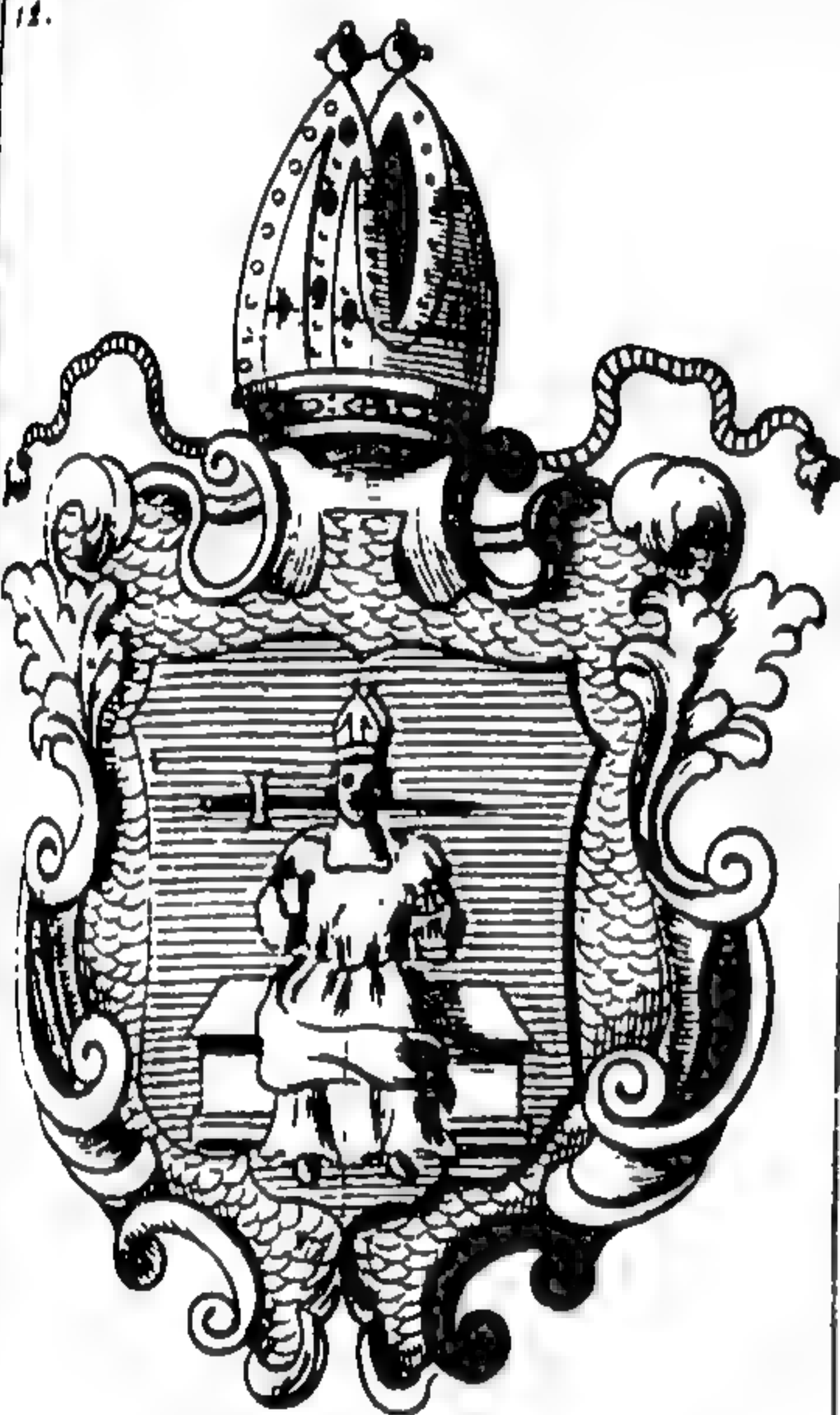
*Norwich.*

p124



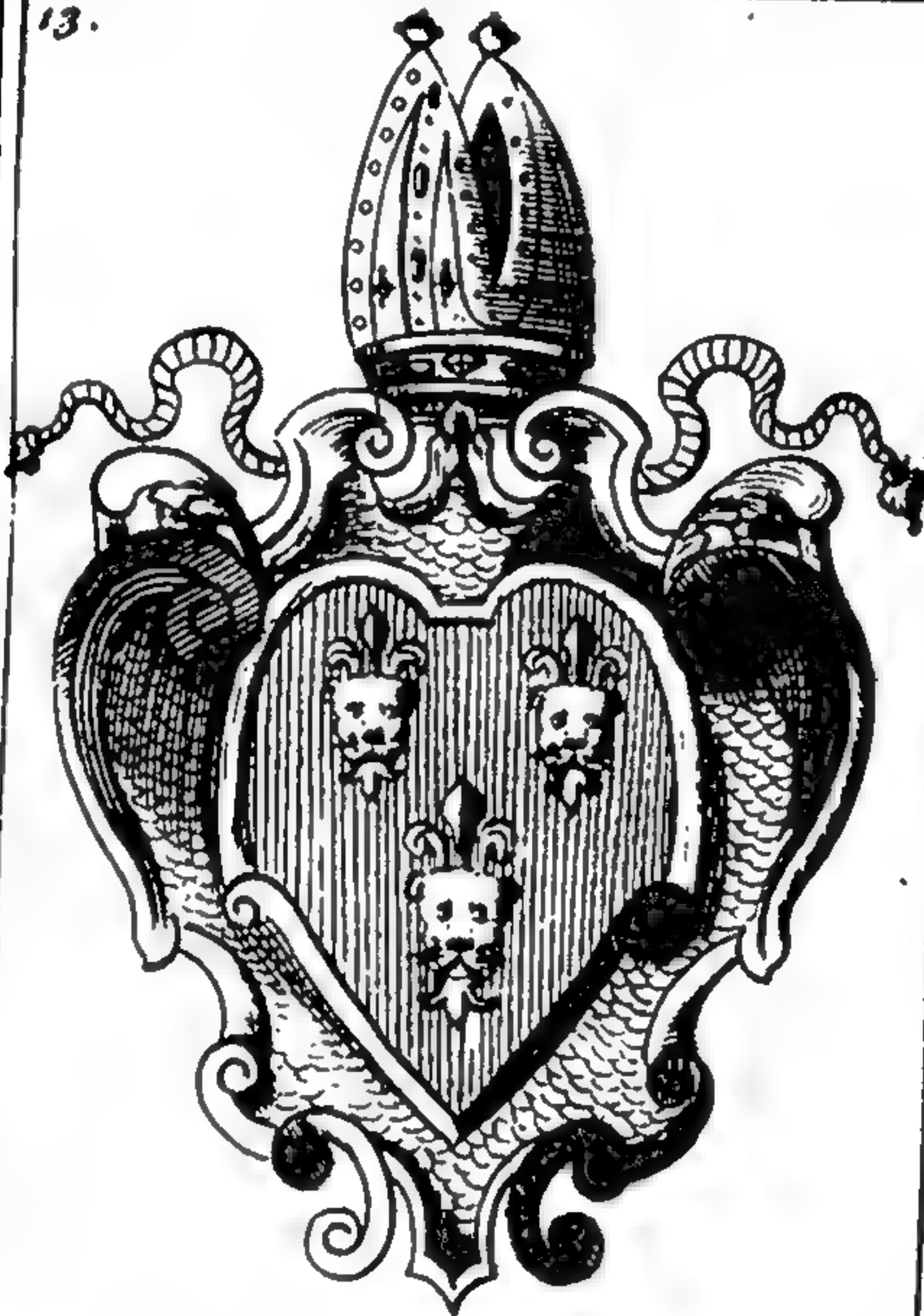
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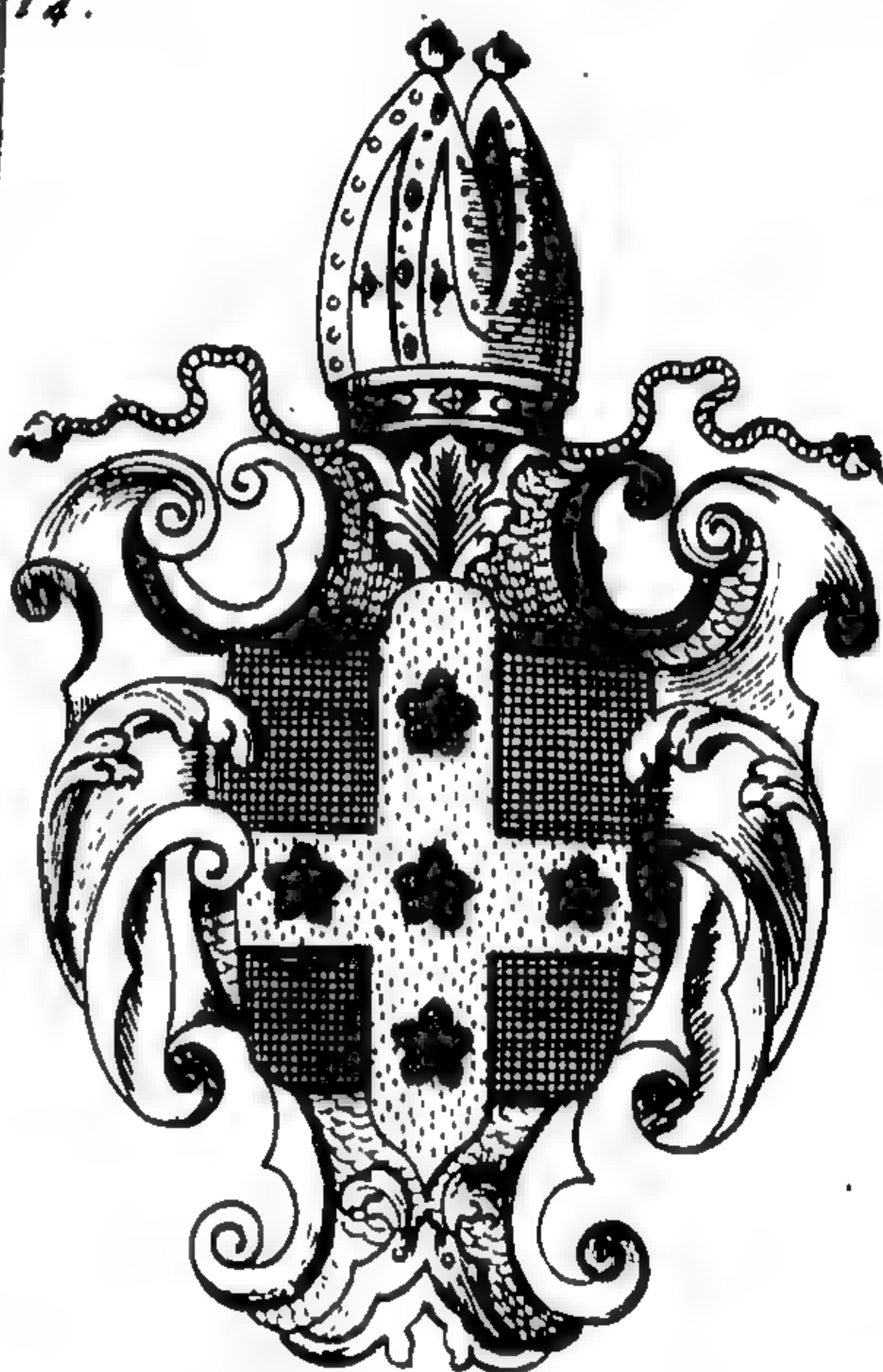
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13.



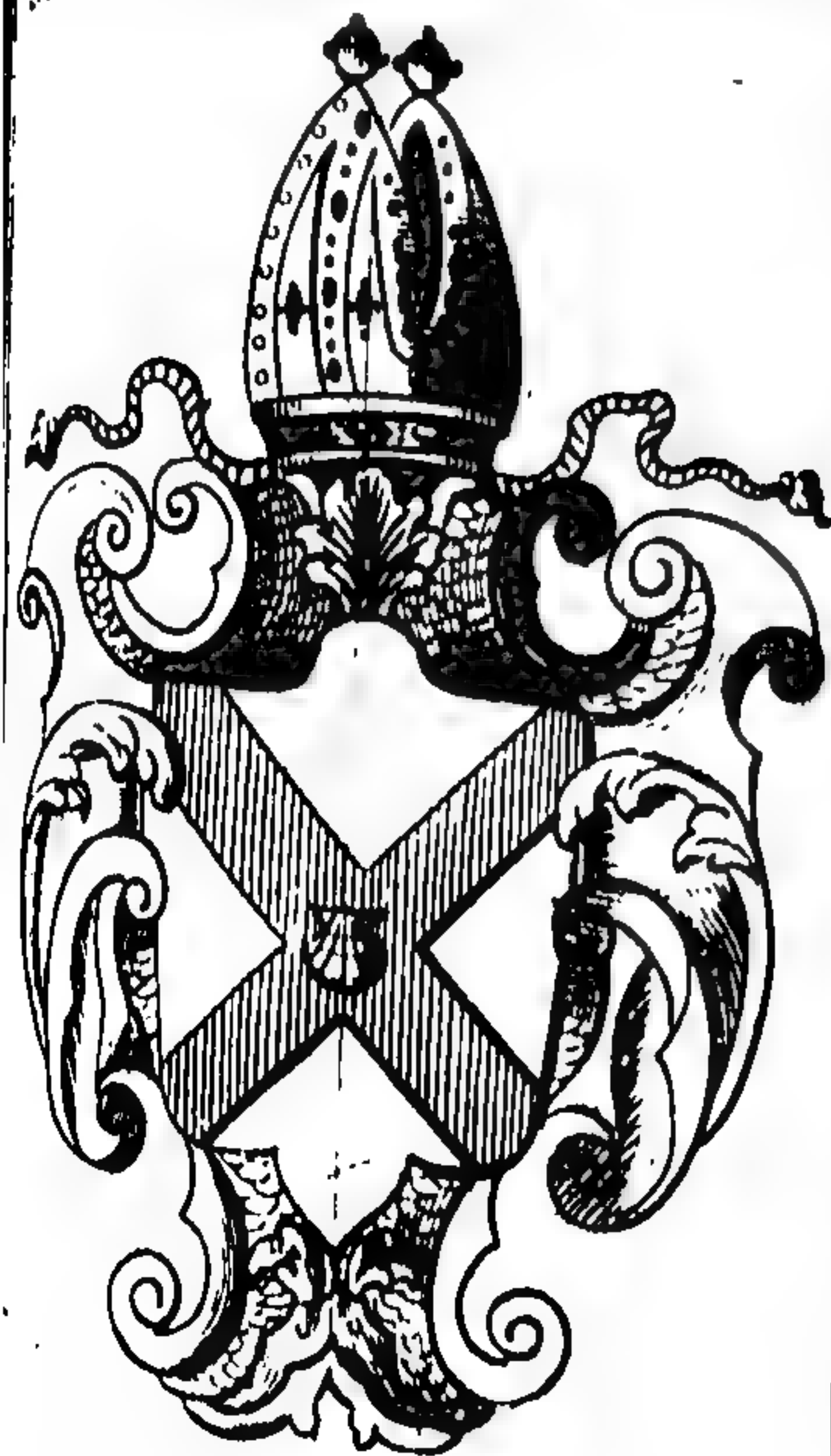
*Hereford.*

14.



*St. David's.*

15.



*Rochester.*

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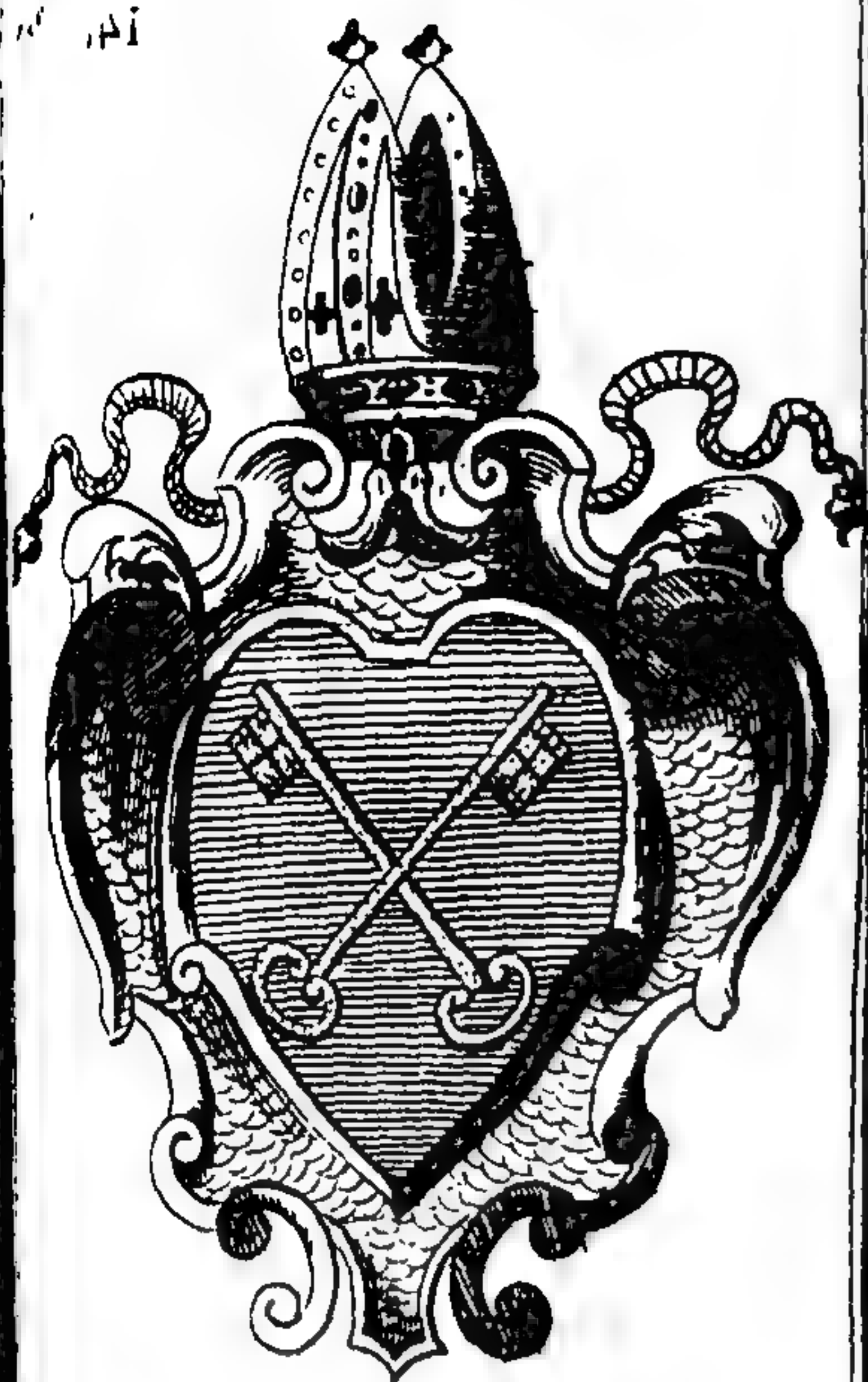
*Bristol.*

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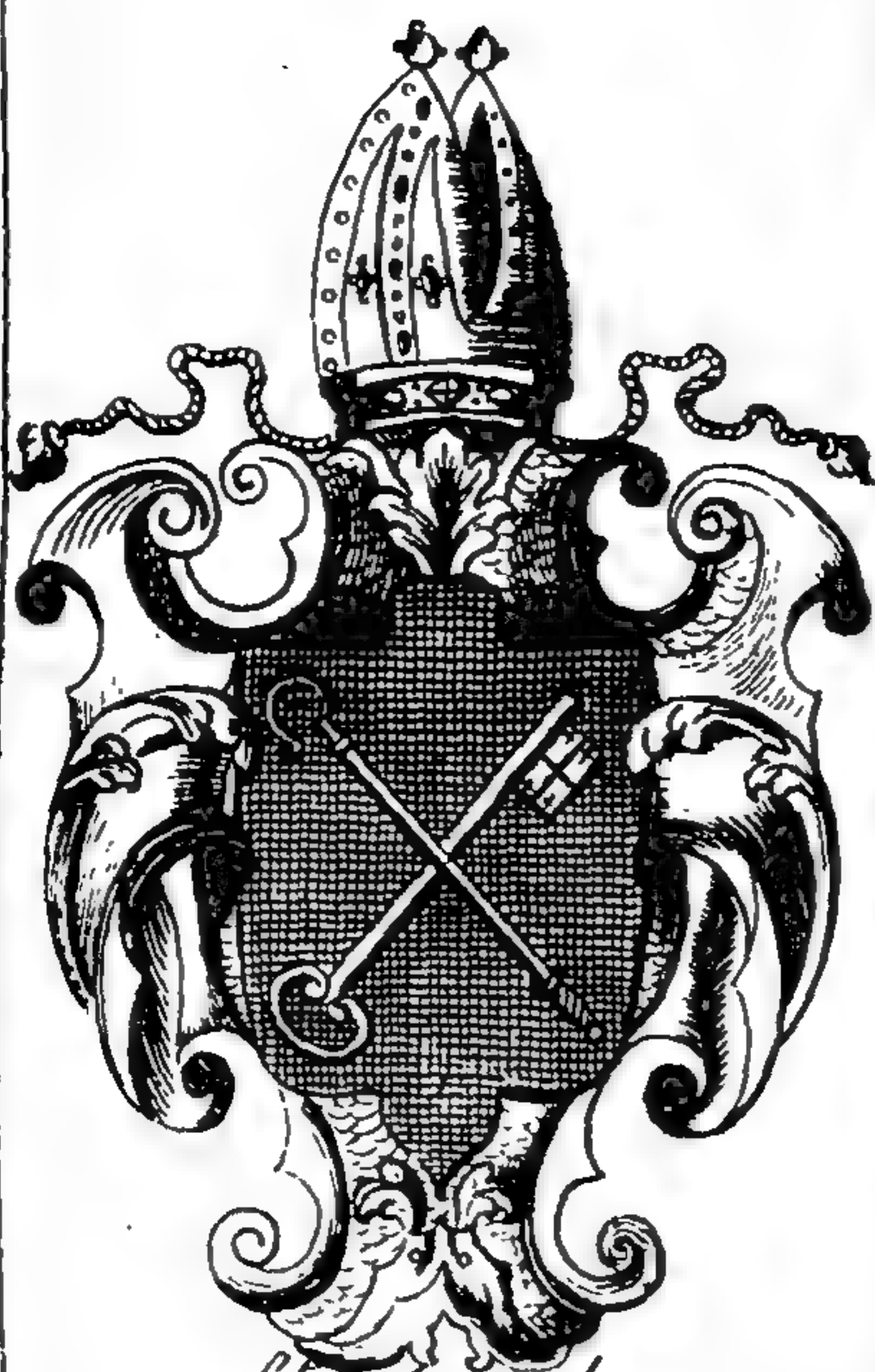


*Chester.*

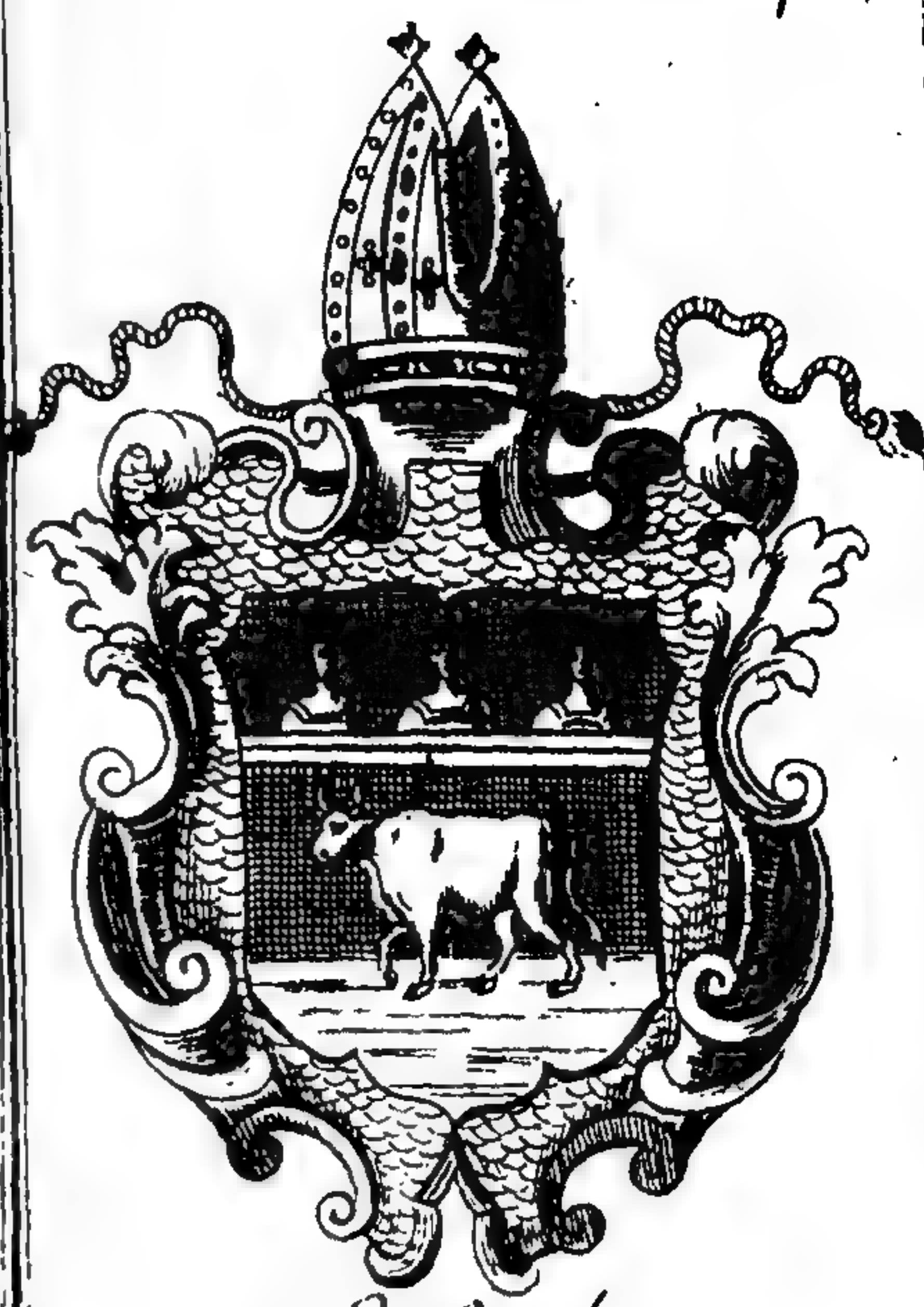




*Gloucester.*



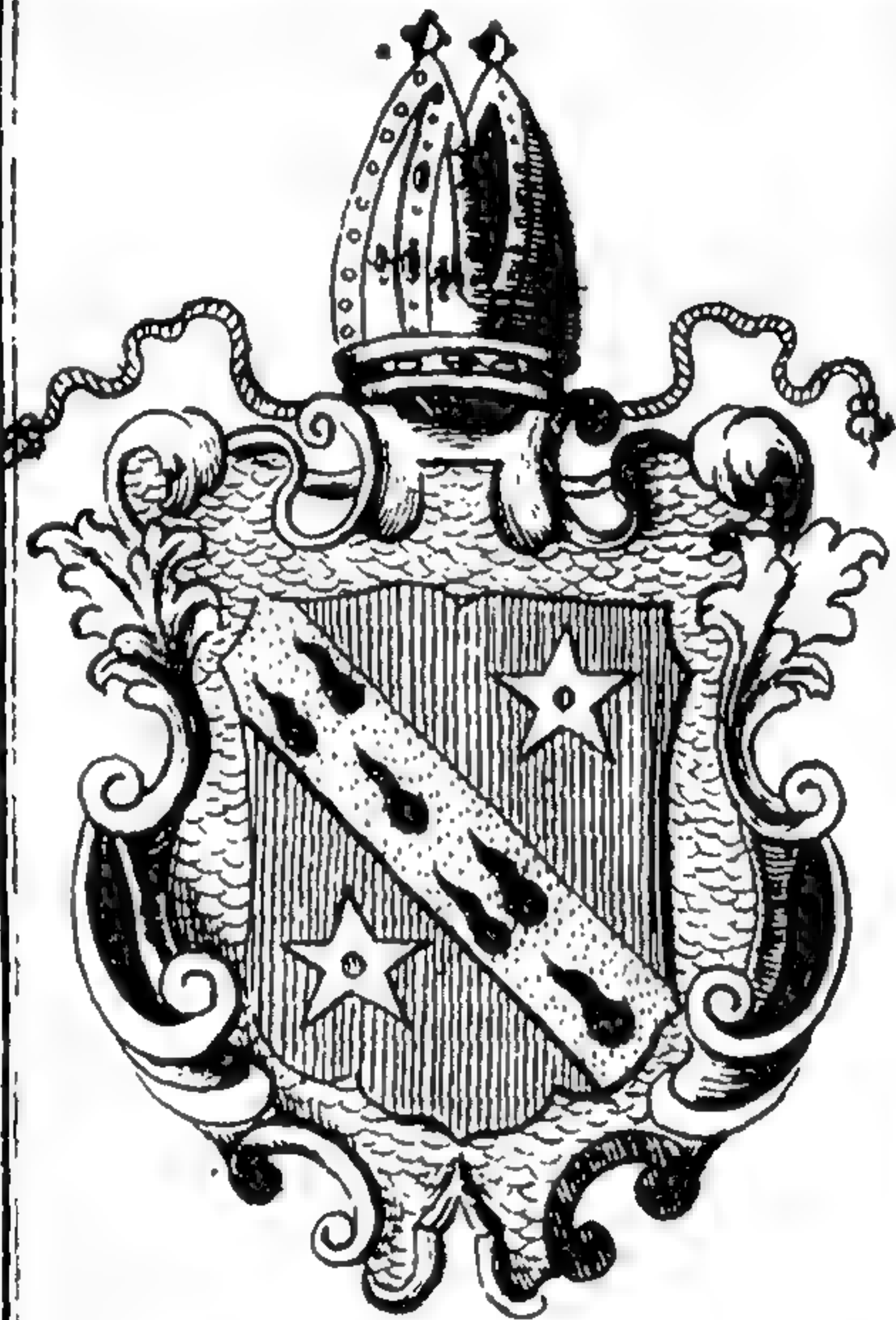
*S. Asaph.*



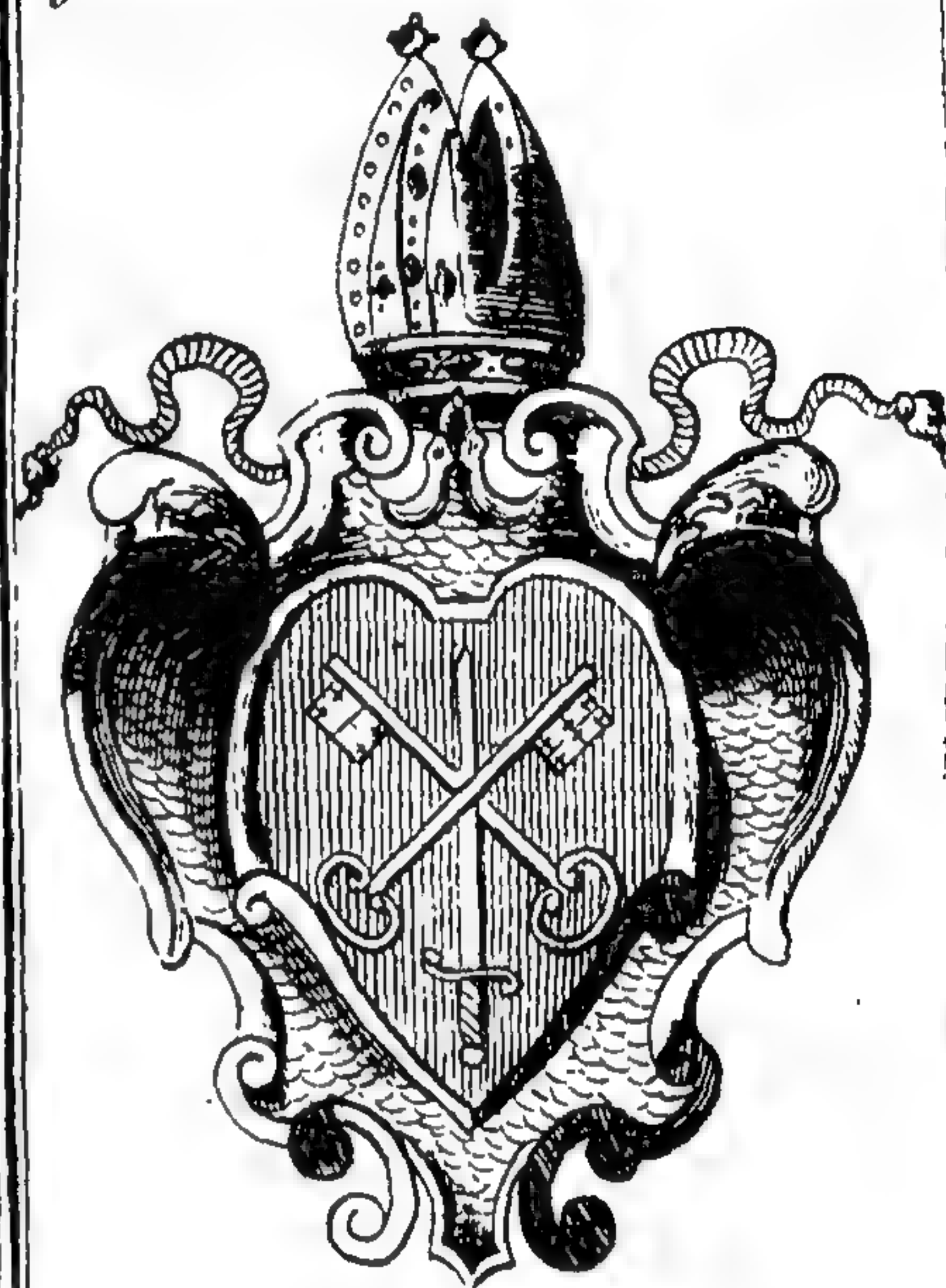
*Oxford.*



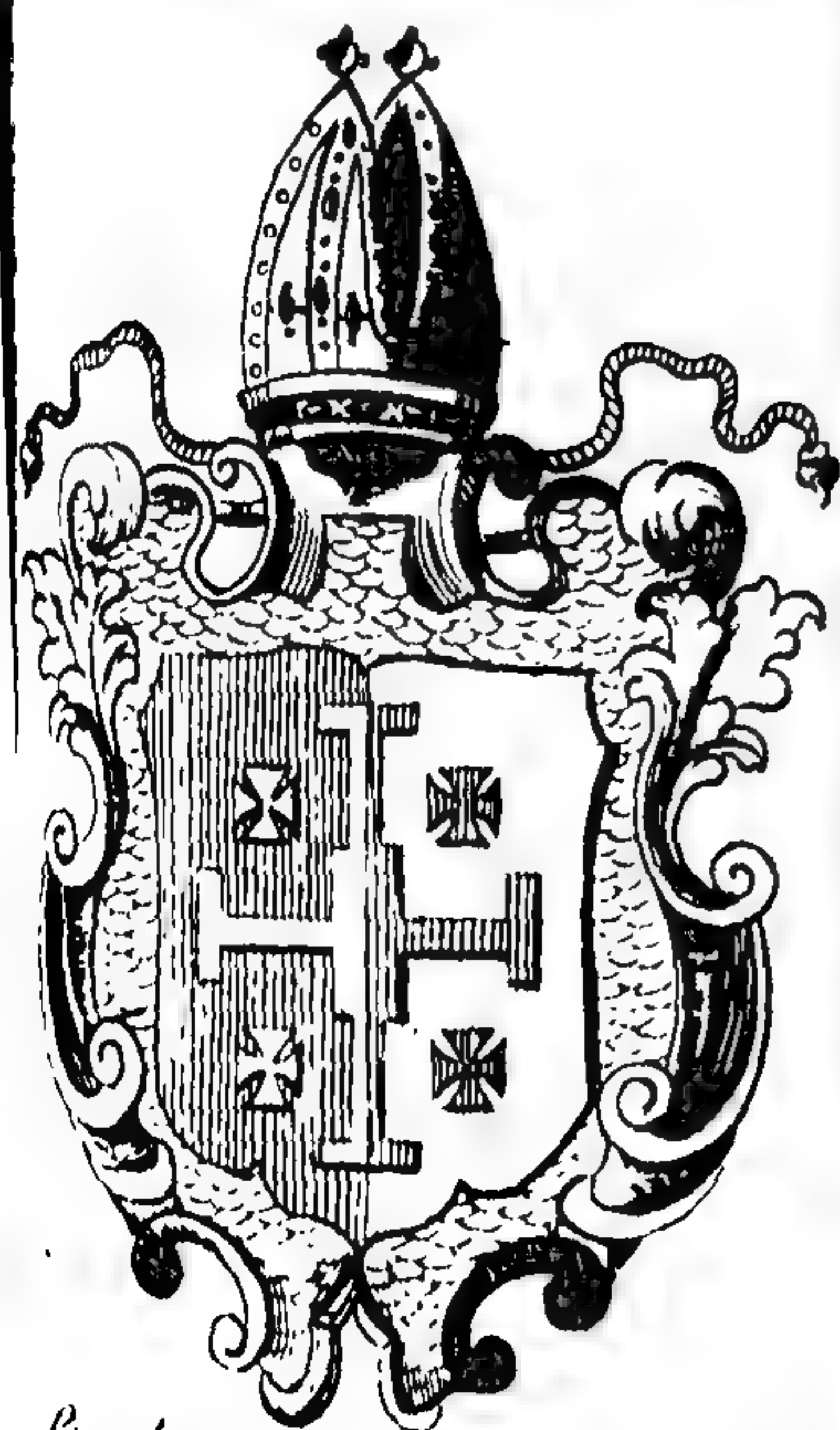
*Lincoln.*



*Bangor.*



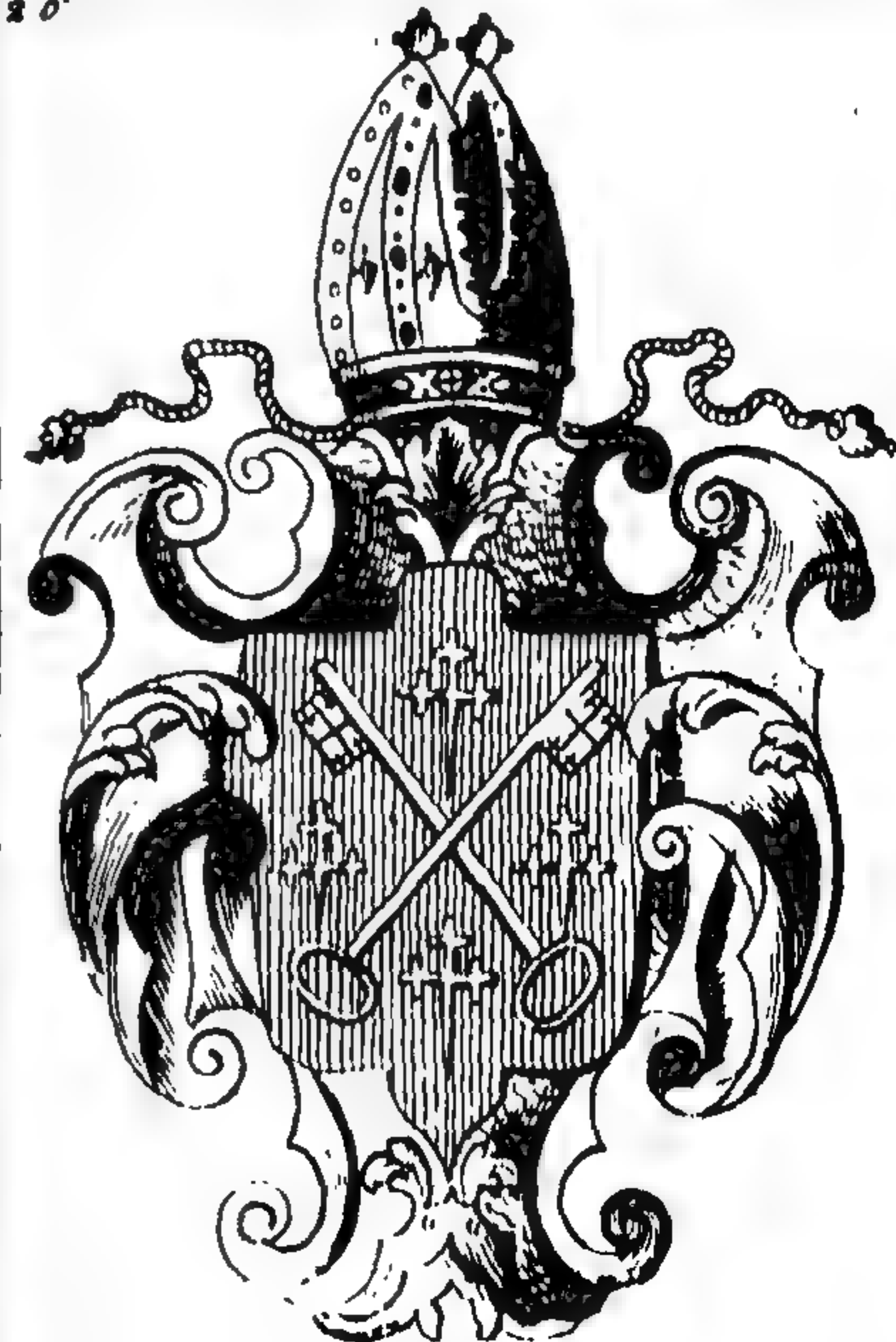
*Exeter.*



*Lichfield & Coventry.*



*Carlisle.*



*(Peterborough).*



bury, and was there buried, for whose sake they removed the Episcopal See from *London* unto *Canterbury*; and in process of Time placed another Archbishop at *York*; which two Provinces included *England* and *Wales*, and have Five and twenty Bishops under them, Six and twenty Deans of Cathedrals and Collegiate Churches, Sixty Arch-Deacons, Five hundred forty four Prebendaries, many rural Deans, and about Ten thousand Rectors and Vicars of Parishes.

The Archbishop of *Canterbury* was anciently the Metropolitan of *England*, *Scotland*, *Ireland*, and the Isles adjacent; and was therefore sometime stiled a Patriarch, and had several Archbishops under him: His Stile was, *Alterius orbis Papa, & orbis Britannici Pontifex*: The Date of Records in Ecclesiastical Affairs ran thus, *Anno Pontificatus nostri primo, &c.* He was *Legatus natus*; which Power was annexed to that See near One thousand Years ago, whereby no other Legat or Nuntio from *Rome* could exercise any Legantive power without the King's special Licence. In General Councils he had place, before all other Archbishops, at the Pope's right Foot: Nor was he respected less at Home than Abroad, being, according to the practise of most other Christian States, reputed the Second Person in the Kingdom, and named and ranked before the Princes of the Blood.

By the favour of our present King he still enjoys divers considerable Preheminences; as Primate and Metropolitan of all *England*; hath power to Summon the Archbishop of *York*, and the Bishops of his Province, to a National Synod; is *primus par Regni*, preceding not only Dukes, but all the Great Officers of the Crown, next to the Royal Family. He is stiled by the King, *Dei Gratia Archiepiscopus Cantuarii*: Writes himself *Divina Providentia*, as doth the Archbishop of *York*; (other Bishops write *Divina permissione*;) and hath the Title of *Grace* given him, (as it is to Dukes;) and *Most Reverend Father in God*.

His Office is to Crown the King; and where-soever the Court shall happen to be, 'tis said the King and Queen are *Speciales Domestici Parochiani Domini Archiepisc. Cant.* The Bishop of *London* is accounted his Provincial Dean; the Bishop of *Winchester* his Chancellor; and the Bishop of *Rocheſter* his Chaplain. He hath the power of all the probate of Wills, and granting Letters of Administration where the party hath *bona notabilia*, that is Five pounds worth, or above, out of the Diocess wherein he dieth; or Ten pounds worth within the Diocess of *London*. By Statute of *Hen. 8. 25.* he hath power to grant Licences, Dispensations, &c. and holds divers Courts of Judicature; viz. his Courts of Arches, of Audience, his Prerogative Court, and his Court of Peculiars: And he may retain and qualify eight Chaplains, which is more by two than a Duke can do.

The Archbishop of *York* was also *Legatus Natus*, and had that Authority annexed to his See. He had all the Bishopricks of *Scotland* under his

Province till the Year 1470. He hath the Place and Precedency of all Dukes, not of the Royal Blood, and of all great Officers, except only the Lord Chancellor, or Lord Keeper. He hath the Title of *Grace*, and *Most Reverend Father in God*: He hath the Honour to Crown the Queen, and to be her perpetual Chaplain. He is also stiled Primate of *England*, and Metropolitan of his Province. He hath the Rights of a County Palatine over *Hexamsbire* in *Northumberland*. He may qualifie Chaplains; and hath divers other Prerogatives which the Archbishop of *Canterbury* hath within his own Province; but *Durham* being one, hath in many Things a peculiar Jurisdiction, exempted from the Archbishop.

*Privileges belonging to the Bishops are as followeth.*

In their own Court they have power to judge and pass Sentence alone, without any Colleague, which is not done in any other Court: And therefore the Bishops send forth their Citations in their own Names, not in the King's, as the Writs in other Courts run. They may depute their Authority to another (as doth the King) either to their Suffragan-Bishops, their Chancellors, Commissaries, or other Officers, which none of the King's Judges can do. In whatever Prince's Dominions they come, their Episcopal Dignity and Degree is owned; they may confer Orders, &c. whereas no Lay-Lord is acknowledged but in the King's Dominions, who gave him the Title. None of them can be Indicted of any Crime before a Temporal Judge, without especial Licence from the King: A severe Penalty to be inflicted on them that raise any Scandal or false Report. In a Trial where a Bishop is Plaintiff or Defendant, the Bishop may, as well as any Lay-Lord, challenge the Array, if one Knight at least be not returned upon the Jury. In Criminal Trials for Life, all Bishops are to be tried by their Peers, who are Barons, and none under that Degree to be impannelled: but anciently they were exempted from any Trial by Temporal Judges. In Parliament they may Vote in any Thing, but in Sentence for Life, or loss of Member, they being by Common Law to absent themselves; and by Common Law to make Proxies to Vote for them. They are freed from all Arrests, Outlawries, Distresses, &c. They have Liberty to Hunt in any of the King's Forests or Parks, to take one or two Deer, coming or going from the King's Presence; and to have Wine free from Impost, &c. Their Persons may not be seized for Contempt, but their Temporalities only; and their Word only is to be taken, and their Certificate allowed in the Trial of Bastardy, Heresie, &c. And such respect has been shewed their Persons, that an Offence by a Clergyman to his Bishop is called *Episcopicide*, and punished as Paricide, equal to petty Treason.

Every Bishop may qualifie as many Chaplains as a Duke: They are all Barons and Peers of the Realm, and have place in the Upper House of



Parliament, as afore-noted, and take place according to Seniority of their Consecration, except *London, Durham, and Winchester*, who precede by Statute made in the Reign of King *Henry* the Eighth.

It will not be amiss to speak somewhat of the Immunities common to all Ecclesiasticks, as well Commons as Lords Spiritual, as followeth.

All Suffragan Bishops, Deans, Arch-deacons, Prebends, Rectors, and Vicars, have privilege, some by themselves, others by proxy, to Sit and Vote in the Lower House of Convocation.

No Subsidy or other Tax can be imposed upon them without their own consent. No Clergyman may be compelled to undergo any personal Service in the Commonwealth, nor to serve in the Wars, or to bear any servile Office. They are free from the King's Purveyors, Carriers, Posts, &c. for which they may demand a Protection from the King, *cum clausula nolumus*. They are not obliged to appear at the Sheriffs Turns or Views of Frank pledge, nor are impanelled to serve upon Inquests at Assizes or elsewhere. If a Clergyman acknowledge a Statute, his Body shall not be taken thereupon; for the Writ runs, *Si Laicus sit, &c.* Their Goods are discharged from Tolls and Customs (*si non exercent Merchants*

*dizas de eisdem*;) but they must have the King's Writ to discharge them.

As the Clergymen are exempted from the Wars, being, by reason of their Function, they are prohibited the wearing a Sword; so every Man in the Order of Priesthood is debarred the Order of Knighthood of the Sword, *cum eorum militia sit contra mundum carnem & diabolum*, saith Sir *John Fern*; yet laying aside their Cures, and also lying themselves to a secular Life, they have been admitted. *Dei natalin* (saith *Matth. Paris*) *Joban-nem de Gatesden clericum & multis dilatum beneficiis, sed omnibus resignatis, quia sic oportuit, Baltheo cinxit militari*. These, and many other Rights, Liberties, and Privileges belong to the Clergy of *England*, all which the King at his Coronation solemnly swears to preserve to them: And they have been confirmed by above Thirty Parliaments; and if any Act be made to the contrary, it is said to be Null by the Statute of the 4th of *Edward* the Third.

‘ As to the Form of a Bishop's Atchievement,  
‘ you have it already in the *Display*, under the  
‘ Head *Marshalling*: Where a Catalogue of the  
‘ present Bishops, with their Arms, are inserted.







J. Symson Sc.

The Right Honourable  
Thomas Trevor Lord Trevor





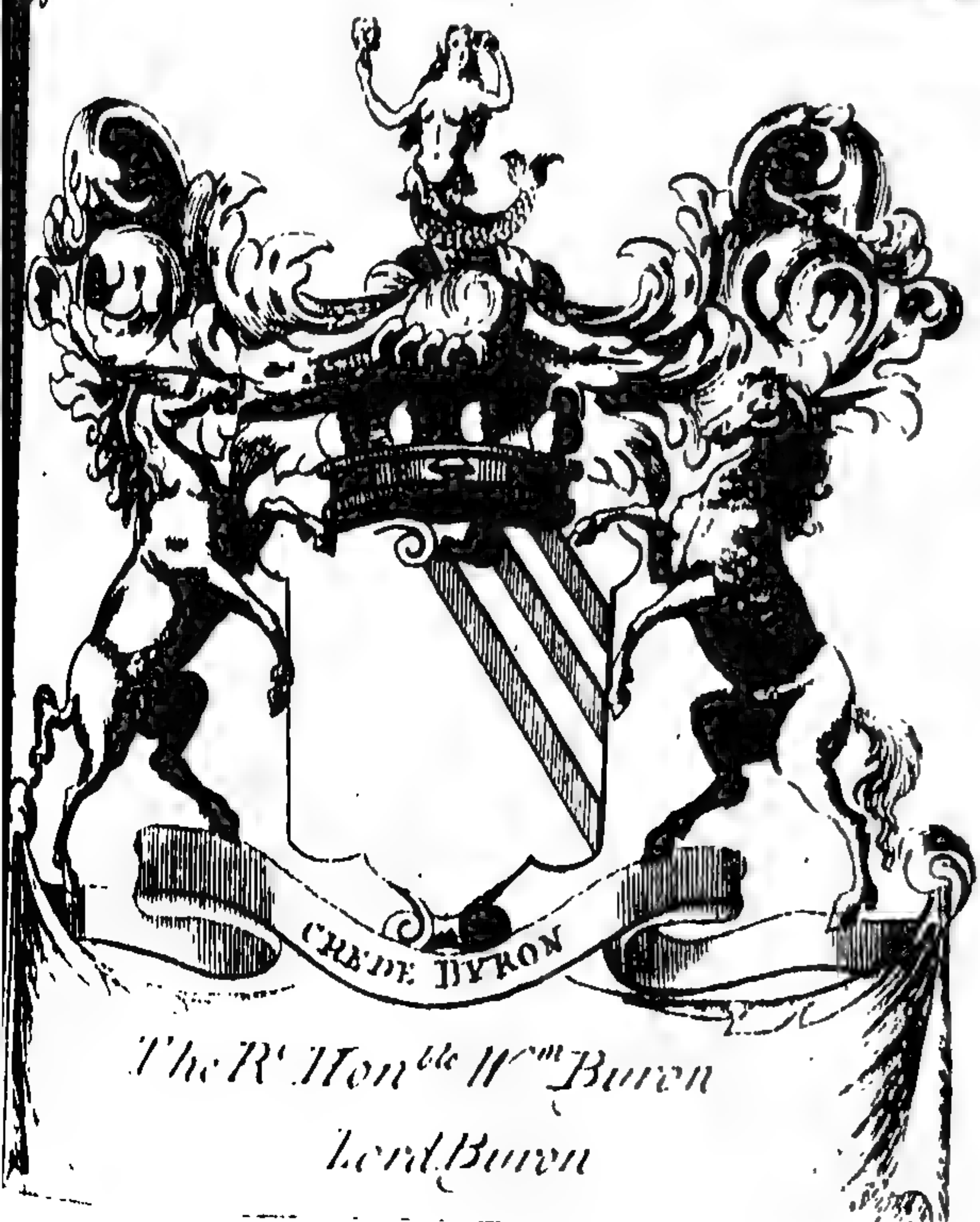














47



25

Barons



*The R<sup>t</sup> Hon.<sup>ble</sup> Robert Sutton  
Lord Lexington*

26



*The R<sup>t</sup> Hon.<sup>ble</sup> Marmaduke Langdale  
Lord Langdale*

27



*The R<sup>t</sup> Hon.<sup>ble</sup> William Berkeley  
Lord Berkeley of Stratton*

28



*The R<sup>t</sup> Hon.<sup>ble</sup> Charles Cornwallis  
Lord Cornwallis*

29



*The R<sup>t</sup> Hon.<sup>ble</sup> Nathaniel Crew  
Lord Crew and Bishop of Durham*





*The Right Hon<sup>ble</sup> John Arundell  
Lord Arundell of Trerice*

## Barons



*The R<sup>t</sup> Hon<sup>ble</sup> William Craven  
Lord Craven*



*The R<sup>t</sup> Hon<sup>ble</sup> Hugh Clifford  
Lord Clifford of Chudleigh*

33



*The R<sup>t</sup> Hon<sup>ble</sup> Peregrine Hyde Osborne  
Lord Osborne  
Son & Heir Apparent to y<sup>e</sup> Duke of Leeds*

34



*The R<sup>t</sup> Hon<sup>ble</sup> John Carteret  
Lord Carteret*

35



*The R<sup>t</sup> Hon<sup>ble</sup> William Stavel  
Lord Stavel*



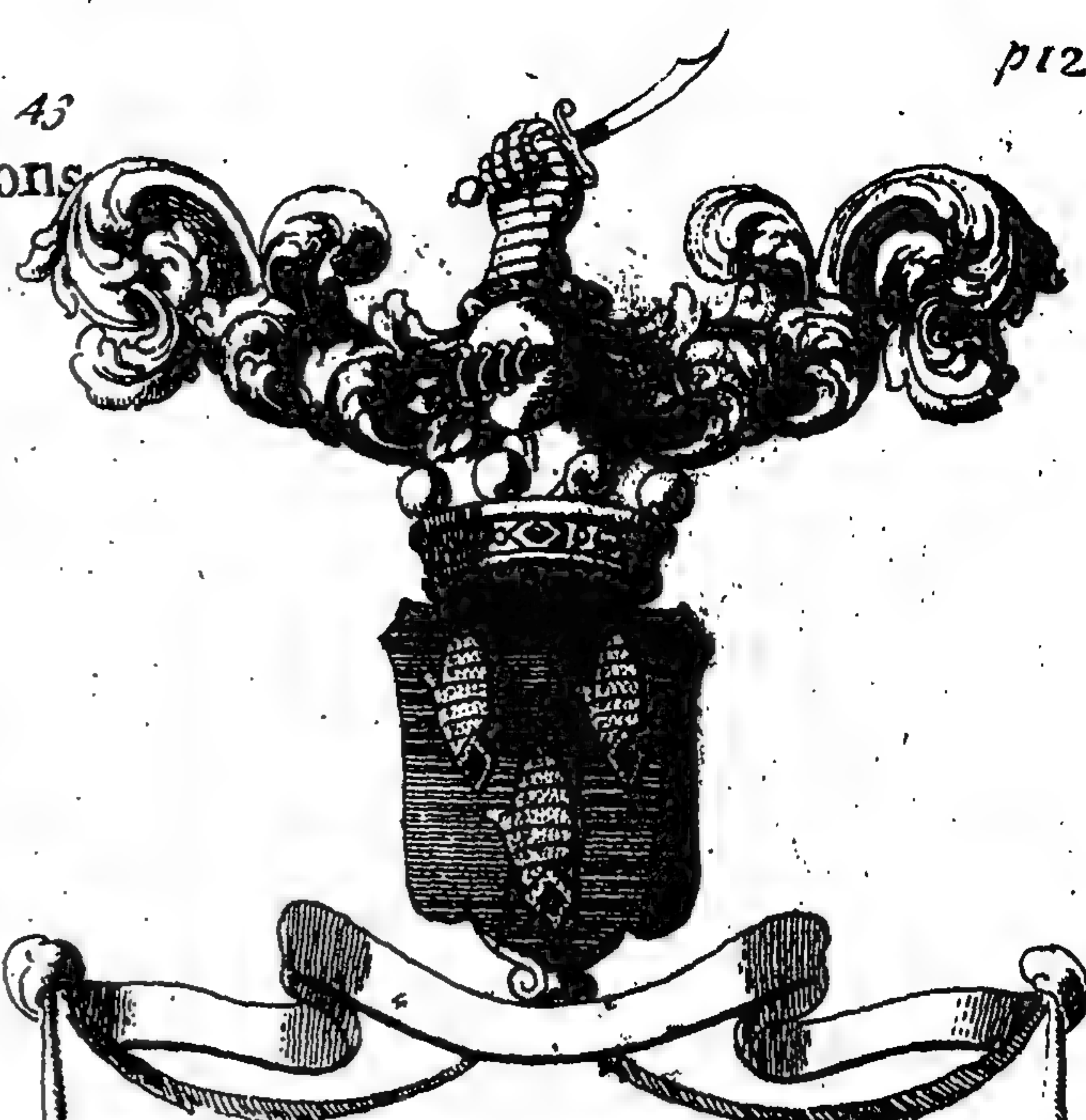
Barons.







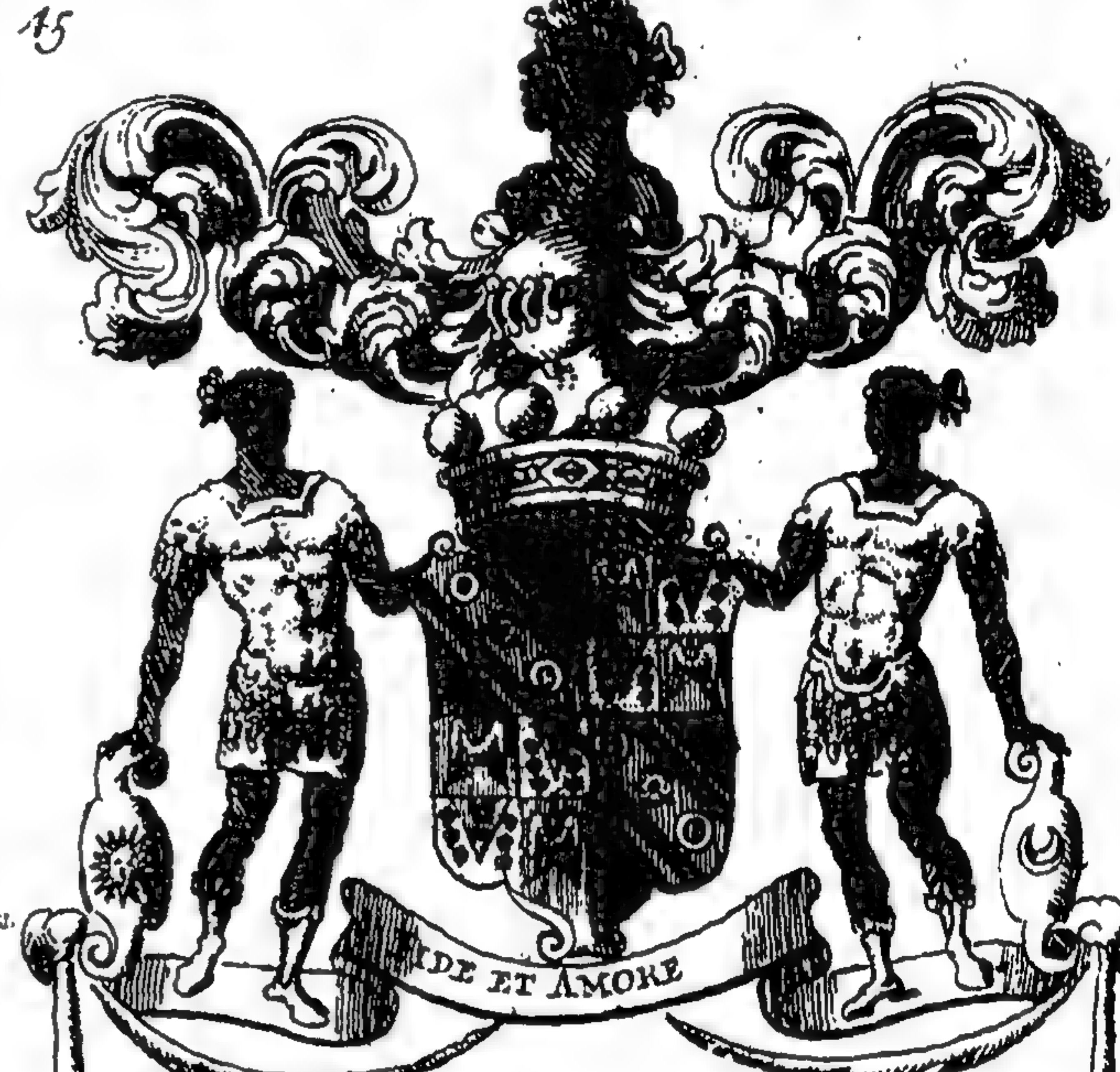
*The R<sup>t</sup> Hon<sup>ble</sup> Maurice Thompson  
Lord Haversham*



*The R<sup>t</sup> Hon<sup>ble</sup> Christopher Vane  
Lord Bernard*



*The R<sup>t</sup> Hon<sup>ble</sup> John Leveson Gower  
Lord Gower*



*The R<sup>t</sup> Hon<sup>ble</sup> Francis Seymour Conway  
Lord Conway*



*The R<sup>t</sup> Hon<sup>ble</sup> Simon Harcourt  
now Viscount Harcourt*



*The R<sup>t</sup> Hon<sup>ble</sup> Charles Boyle  
Lord Boyle*





*The Rt Hon<sup>ble</sup> George Hay Lord Hay  
Earl of Kinnoul*



*The Rt Hon<sup>ble</sup> Thomas Windsor  
Lord Montjoy*



*The Rt Hon<sup>ble</sup> Thomas Mansel  
Lord Mansel*



*The Rt Hon<sup>ble</sup> Thomas Willoughby  
Lord Middleton*



*The Rt Hon<sup>ble</sup> Thomas Trevor  
Lord Trevor*



*The Rt Hon<sup>ble</sup> George Granville  
Lord Lansdowne*





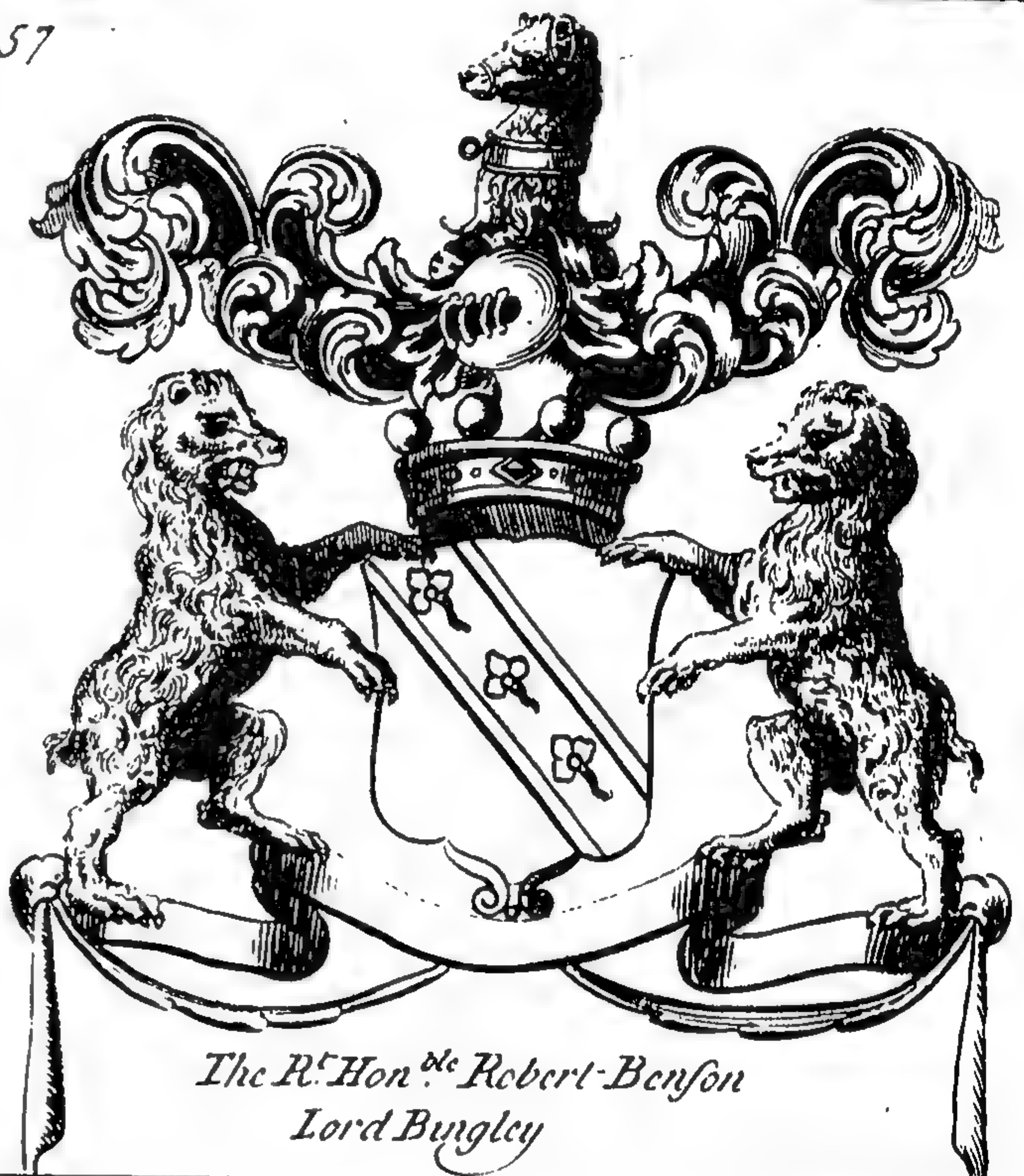
*The Rt Hon<sup>ble</sup> Samuel Masham  
Lord Masham*



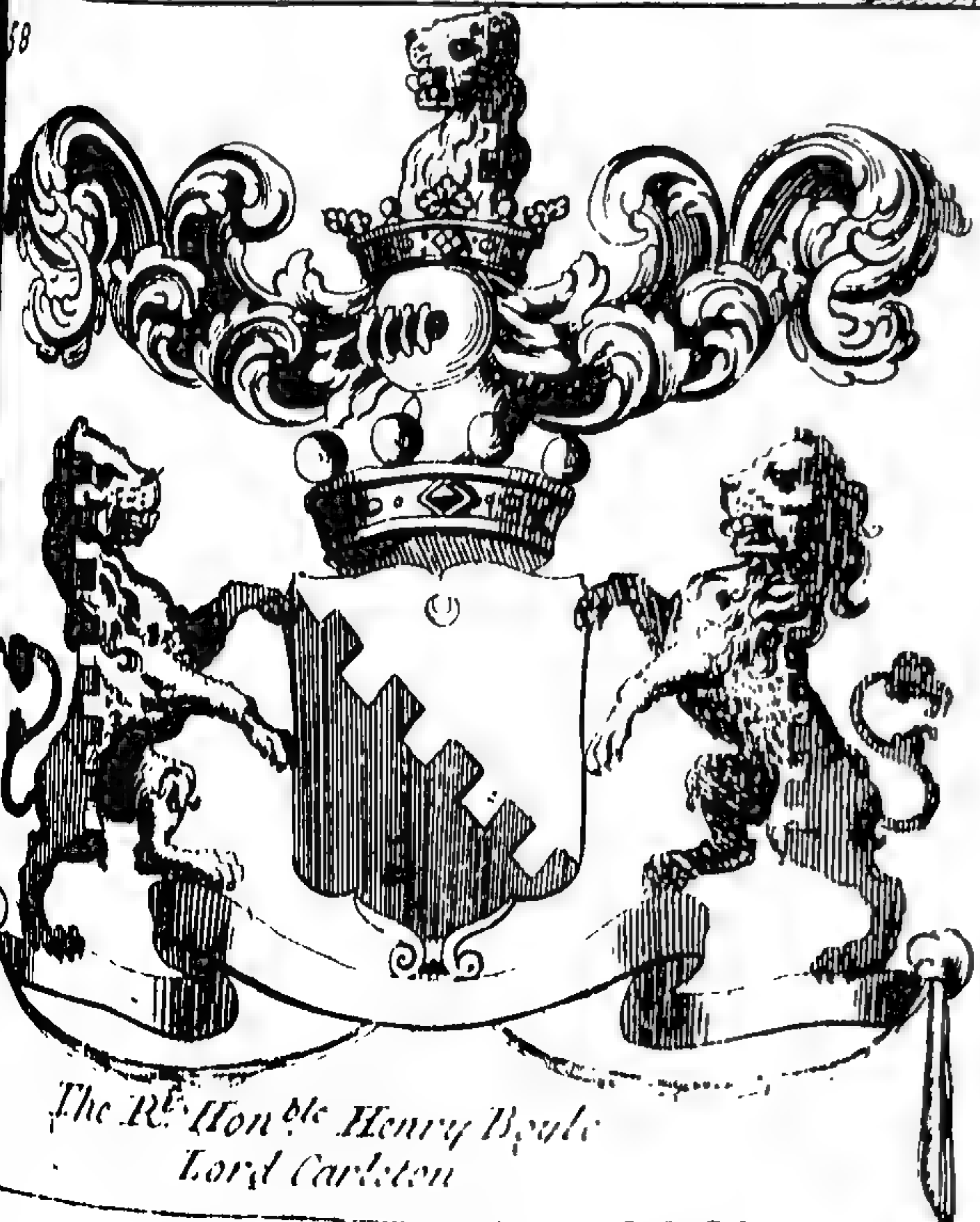
*The Rt Hon<sup>ble</sup> Thomas Foley  
Lord Foley*



*The Rt Hon<sup>ble</sup> Allen Bathurst  
Lord Bathurst*



*The Rt Hon<sup>ble</sup> Robert Benson  
Lord Bingley*



*The Rt Hon<sup>ble</sup> Henry Boyle  
Lord Carleton*



*The Rt Hon<sup>ble</sup> Thomas Parker Lord Parker non-  
Parker of Enckm & Earl of Macclesfield*





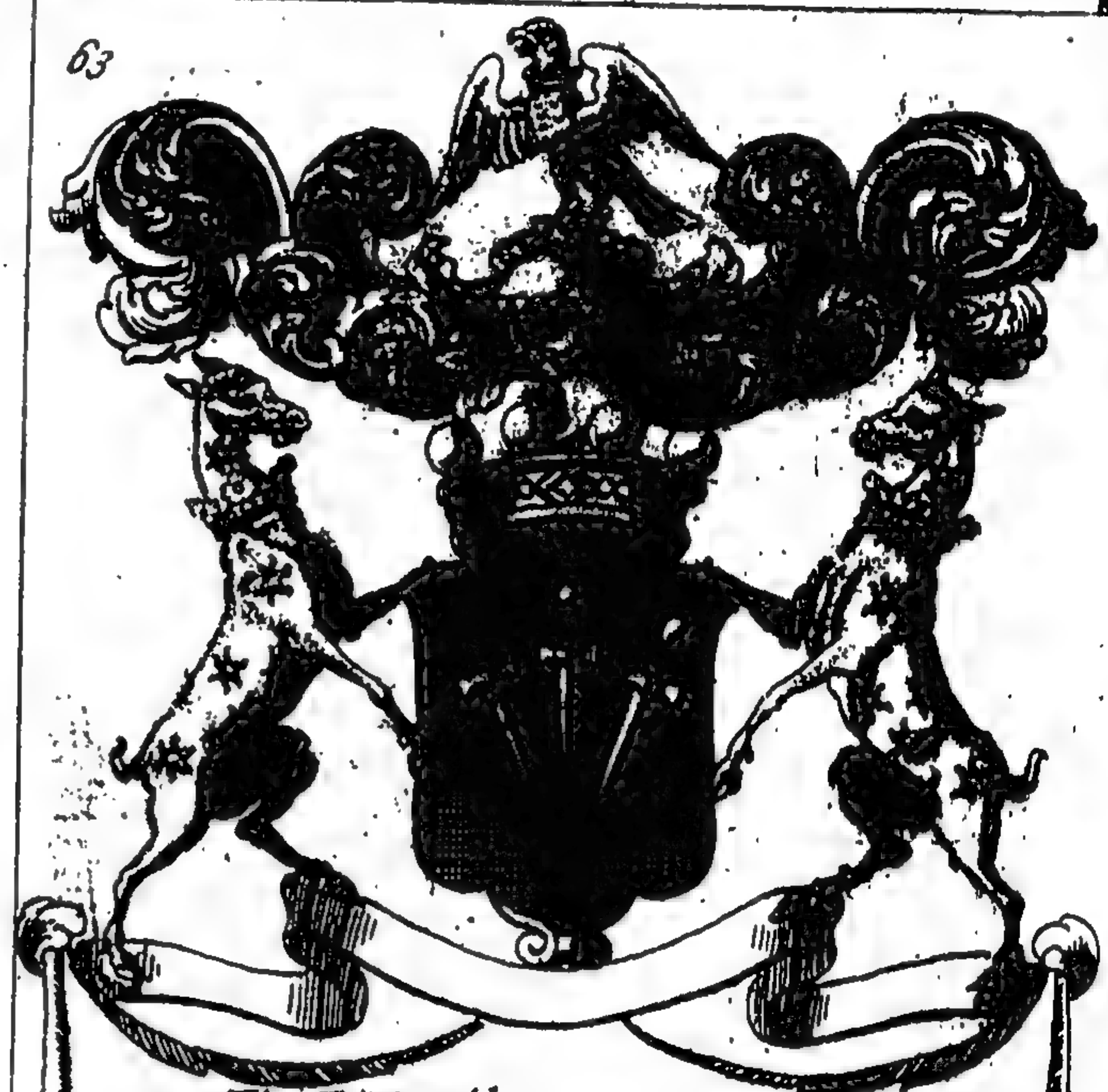
The R<sup>t</sup> Hon<sup>ble</sup> Thomas Onslow  
Lord Onslow



The R<sup>t</sup> Hon<sup>ble</sup> Robert Marsham  
Lord Romney



The R<sup>t</sup> Hon<sup>ble</sup> George Cholmondeley  
Lord Newburgh



The R<sup>t</sup> Hon<sup>ble</sup> Charles Poulet  
Lord Poulet of Basing  
Son & Heir Apparent of the Duke of Bolton

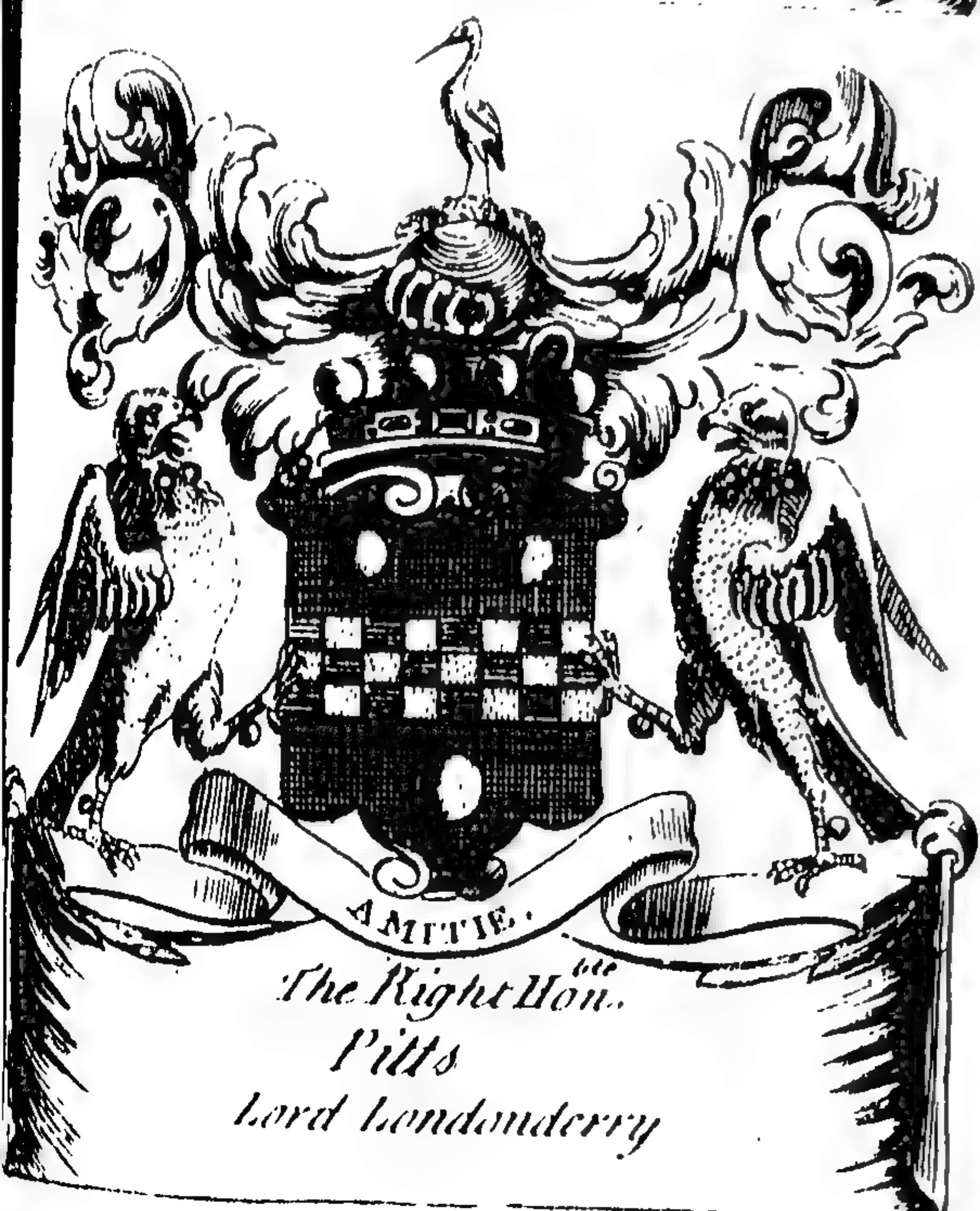


The R<sup>t</sup> Hon<sup>ble</sup> Matthew Ducie Merton  
Lord Ducie

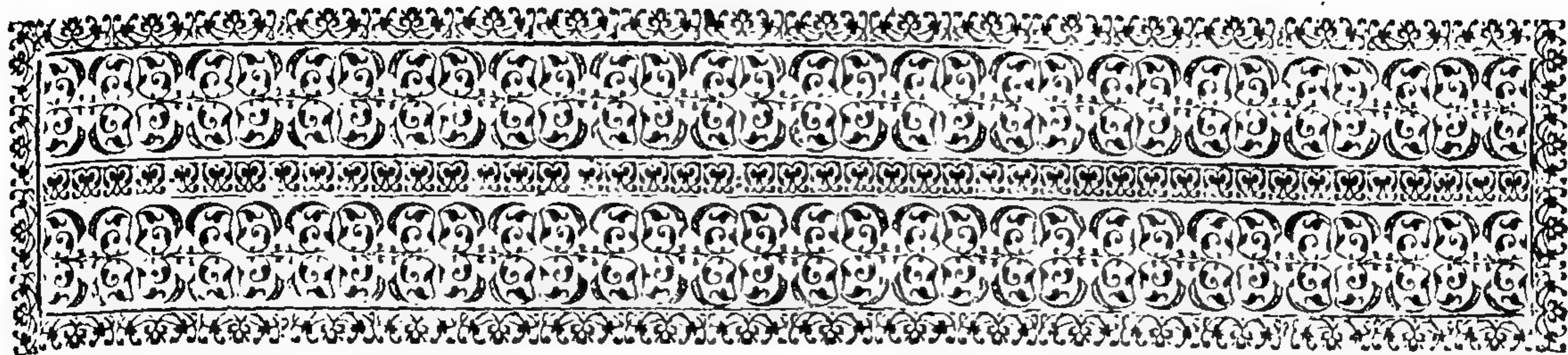


The Right Hon<sup>ble</sup> Nicholas Lord Trenchmere  
Baron of Evesham









O F

# BARONS.

## CHAP. IX.



**A**MONGST the Nobles and Honourable Persons, Barons have the next Place. And first of the Dignity and Degrees of a Baron in general: Secondly, of the Etymology of the Name: Thirdly, of the Antiquity thereof, and of the divers Uses in former Ages: Fourthly, of the Division, and the Consideration of the several Kinds of Barons: And lastly, a Declaration of the divers and sundry Priviledges allowed them, and the rest of the Nobles, by the Laws of this Realm.

### *The Definition or Description of a Baron.*

**I**T is a certain Rule in Law, *Definitiones in jure sunt periculosissimæ; earum est enim ut non subverti possint*; and therefore I do not often find any Definition or Description of a Baron delivered by Writers: Nevertheless in this our Kingdom, it is my Opinion, that a Baron may be described in a Generality, answerable unto every special Kind thereof in this manner.

A Baron is a Dignity of Nobility and Honour next unto the Viscount: And the Books of Law do make a Difference between Dukes, Marquisses, Earls, and Viscounts, which are allowed Names of Dignity, and the Baron; for they affirm, That such a Baron need not to be named Lord or Baron by his Writ; but the Duke, Marquiss, Earl, or Viscount, ought to be named by their Names of Dignity.

*Cambden, fol. 1692. saith, That our Common Laws do not allow a Baron one of the Degrees of Nobility: But I take it to be understood of Ba-*

rons by Tenure, or Barons by Writ, only: For the Title of a Baron by Patent is in his Letters Patents under the Great-Seal of *England* adorned by the Name of *Status, Gradus, Dignitas*; and therefore is requisite to be named: And such Dignities are a parcel of the Name of the Possessor, as well as the Title and Style of a Duke, Marquiss, Earl, or Viscount. And although there may be conceived this Difference last mentioned between the Baron by Tenure or Writ, and the Baron by Patent; yet they being all Members of the Higher House of Parliament, they are thereby equally made Noble, Honourable, and Peers of the Realm, as they are Barons, without any other Distinction.

### *The Etymology of the Name of Baron.*

**M**ANY Writers have laboured to place the Etymology and Signification of this Word, wherein (following too much their own Fantasies) they have bred much Variation of Opinions. As for Etymology of Words, I agree with him that saith it is, *Levis & fallax & plerumque ridicula*; for *sepe numero ubi proprietates verborum attenditur sensus veritas amittitur*. It may leave some use, and serve turn in Schools, but it is too light for Judgment in Law, and for the Seats of Justice. *Thomas Aquinas* setteth down a more certain Rule, *In vocibus videndum, non tam a quo quam ad quid sumatur*; and Words should be taken *sensu currenti*; for Use and Custom is the best Explicitor of the Laws and Words, *quam penes arbitrium est, & jus, & norma loquendi*, in the Lord Chancellor's Speech, in the Case *Postnati*, fol. 61. And soasmuch as the Word may aptly be apply'd



to import Men of strength, *Bracton* (as before appeareth) not unaptly useth the Signification thereof in these Words, *Sunt & alii potentes sub Rege qui dicuntur Barones, hoc est robur belli.*

*The Antiquity of the Dignity of Barons, and the sundry Uses of the Name.*

IT seemeth that the Dignity was more ancient than the Name; for in the ancient Constitutions there is no mention made of the Name of Barons; howbeit, the learned Interpreters do understand that Dignity to be comprehended under those which are there called *Valvasores Majores*, and afterwards called *Capitanei*. For of the *Valvasors*, which are thought to be the Barons *Valvasores Minores*, and *Valvasini*, or *Valvasores Minimi*. The like Dignity (before the Conquest) had those which of the *English-Saxons* were called *Thaines*. *Mills, fol. 28.* saith, Barons were in *France* from the Beginning; nevertheless, the Name of Baron was not much used in this Kingdom until the *Norman* Conquest, after which the Word Baron seemeth to be frequently used instead of *Thaine* amongst the *English Saxons*: For as they in general and large Signification did sometimes use the same to the Sense and Meaning, and Import of a Freeman, born of a Free Parentage, or such like: So did the *Normans* use the Word Baron, and therefore called their best esteemed Towns and Boroughs by the Name of Barons: And so the Citizens of *London* were called *Barons Londonni*; divers ancient Monuments of whom also *Brittan* maketh mention, *fol. 272. & lib. 5. cap. 14.* Also there are divers Charters wherein mention is made of such like Barons. And the Barons of *Warwick* in the Record of *Domesday*: And unto our Time, the Free Burgesses of the Five privileged Ports; and for that also divers of the Nobility of Barons, as well Spiritual as Temporal, did in ancient Time sit in the *Exchequer* to determine the Matters there arising, the Judges of that Court have been, time out of mind, called Barons of the *Exchequer*. And *William de la Pole* was created a Baron by King *Edward* the Third, and made Lord Chief-Baron of the *Exchequer*.

Moreover, as the *English-Saxons* had two kinds of *Thaines*, the like hath been observed as touch-

ing Barons; for the King, and the Monarchs of the Realm have their immediate Barons, being the Peers of the Realm: And in like manner certain others of the Nobility, especially the Earls which have Jurisdiction Palatine, and Earls-Marchers, whose Countries have confined upon the Coasts of the Enemy, and had under them, for their better Defence, a kind of Barons; as namely, under the County-Palatine of *Chester* were these Barons, *viz.* the Barons of *Hilton, Mountal, Malbank, Shipbrooke, Malpas, Mafsey, Kinderton, Stockport, &c.* The Earldom of *Pembroke* being first erected by *Arnulphus Montgomery* that conquered part of *Wales*; and therefore the Earl thereof being an Earl-Marcher, had also under him his Barons, as by the Parliament Rolls 18 *Edw. I.* doth appear.

It hath been therefore a common Opinion received, That every Earldom, in Times past, had under it Ten Barons, and every Baron Ten Knights-Fees holden of him; and that those which have Four Knights-Fees were usually called and promoted to the Degree of a Baron.

Also Lords and Proprietors of Mannors were, in respect of them in ancient remembrance, called Barons (but absolutely) and the Courts of their Mannors called thereof Courts Barons.

It resteth now, for the more Explanation of the use of the Name of Barons, that we call to remembrance that which hath been afore-spoken. That the Custom of our Country is, that if a Baron be created Earl, the eldest Son of the said Earl taketh upon him, in the Life-time of his Father, the Name and Title of the Barony, although he want the Priviledges belonging to a Baron.

*The Tenour and proper Signification of the Word Baron.*

BARONS Honourable are of three kinds, *viz.* by Tenure, by Writ, and by Creation or Patent. As for Barons by Prescription, which some Men have spoken of, they are intended to be all one with the Barons by Tenure, or those whose Ancestors, time out of mind, have been called to Parliament by Writ; for otherwise there are no such to be found as Barons by Prescription only.





## C H A P. X.

BARONS *by* TENURE.

**B**ARONS by Tenure, are those which do hold any Honour, Castle, or Mannor, as the Head of their Barony *per Baroniam*, which is Grand-Serjeanty. And those Barons by Tenure are of two sorts, Barons Spiritual by Tenure, and Barons Temporal by Tenure. Of Barons Spiritual by Tenure sufficient is said, whereunto may be added, That it appeareth by all the ancient Writers of our Law, as *Brittan*, *Glanvile*, *Bracton*, and the rest, that the Archbishops and Bishops of the Realm in the ancient Saxon Days, as well during the time that the Realm was divided into divers Kingdoms, as also after the uniting of them into one Monarchy, were called to Parliament or Assemblies of State as Wisemen; not so much in respect of their Tenure, for in those Days all their Tenures were by a Frank Almoigne; but especially for that the Laws and Counsels of Men are then most current and commendable, and have a more blessed Issue and Success, where they are grounded upon the Law of God, the Root and Beginning of all true Wisdom. And therefore our wise and religious Ancestors called to their General Council, or *Wittenagemote*, or Court of Wisemen (as they called it) those chief and principal Persons of the Clergy, which by their Places and Professions, by their Gravity, Learning and Wisdom, might best advise them what was the Law of God's acceptable Will and Pleasure, that they might frame Laws answerable, or at leastwise not contrary and repugnant thereunto.

And touching the Temporal Barons by Tenure, mention is made of them in the Books of Law, Records, and ancient Monuments of the Realm; and these Baronies were anciently uncertain, and rentable at the pleasure of the King. But such Incertainty was brought to Certainty by the Statute of *Magna Charta*, chap. 2.

*Bracton* doth make express mention of Barons Temporal by Tenure; it shall be needful here again to remember the former Assertion of *Bracton*, That the Head of a Barony descending to Daughters should not be divided by Partition, which argueth likewise the Tenure of Barony. But let us descend to other Authority, *viz.* the Book-Case in the 48 *Edw.* 3. fol. 30. Sir *Ralph Everdon's* Case; by which Case of Law 'tis most evidently proved that there are Barons by Tenure, which in regard of such their Tenure, ought to be summoned to Parliament. And furthermore, That there were or are Barons by Tenure, read the Statute of *Westminster* 2. cap. 41. where the Fees of the Earl-Marshal and the Lord Chamberlain are expressed, which are to be taken by them upon the Homage done of every Baron by Tenure, whether the Baron holdeth by a whole Barony, or by a less.

But here ariseth a Question: If a Baron by Tenure alien and grant away the Honour, Castle, and Mannor holden by Barony, whether shall such Alien or Grantee take upon him the State, Title, and Dignity of a Baron, or not? Or what shall become of such Dignity of Baronage after such Alienation and Grant made? They which do deny that there are any such Baronies by Tenure, do use these as their principal Motives or Reasons: First, If there be any Baronies by Tenure, then the Aliance or Grantee of such Honour, Castle, and Mannor so holden, must hold by the same Tenure that his Grantor or Feoffor before held; but that was by Barony, therefore such Grantee must hold by Barony: And if such Grant or Alienation be made to Persons Vulgar or Ignoble, then should such Tenure be made Noble, which were very absurd, and full of Inconveniency; for *Ornanda potius est dignitate domus, quam ex domo dignitas, utcumque quibus quaerenda est, ab iis honestanda.* *Milles peroration.* 3. Secondly, It is very evident and manifest that many ancient Mannors, which in old time were holden by Baronage, and were the Head of Baronies, are now in the Tenures of mean Gentlemen, and others, who neither may, nor do challenge unto themselves in any respect hereof any Nobility, without the great Favour of the King's most Excellent Majesty, who is the Fountain of all Honour within his Dominions. Thirdly, Some ancient Barons there are that have aliened and sold many of those Castles and Mannors which did bear the Name and Dignity of Baronage; and yet themselves do still retain, and lawfully keep their Estate, Dignity and Degree of Baron, and have been, and usually are, such Alienations notwithstanding, summoned nevertheless to the Parliament, and there to take and hold their ancient Place accordingly.

To these Objections it shall be convenient, for the more easie unfolding the State of this Question, to exhibit certain necessary Distinctions, and upon them to draw true and infallible Conclusions; and then to prove them by Authority of Law, Consent of Time, and manifold Precedents: Which done, the Answer will be presently made (as I conceive) to every of the aforesaid Objections.

First therefore, If a Baron by Tenure, which holdeth any Castle, Honour, or Mannor by Baronage, do alien or give the same away, he doth it either with or without a Licence obtained from his Majesty for the same. If he doth it without a Licence, then the Conclusion is certain. But by the Laws of this Realm the Barony, Honour, Castle, or Mannor so aliened without Licence or Consent, is forfeited; and the same Honour, Castle, and Mannor so holden by Barony, and so aliened,



aliened, is to be seized in the King's Hands; and the said Forfeiture, and such Dignity and Estate no longer to be born and continue, but to be resumed and extinguished in the Crown, from whence it was derived.

The Reason therefore is notable, if we call to remembrance that which was formerly alledged out of *Bracton*, That Baronies are the Strength of the Realm, and suffer no Division; they suffer also no Alienation without the Consent or Licence of the Sovereign Monarch; for so should the Realm be infeebled, and base Persons ennobled without desert of Virtue or Prowess: For where the Thing so aliened is an Honour or Head of a Barony, it differeth much from the ordinary Tenure *in Capite*, whereof, if the Tenant make Alienation without Licence, he is only to pay a Fine by the Statute of 1 *Edw. 3. cap. 12.* whereof also before the making of the Statute, there was diversity of Opinions at the Common Law after the Statute of *Magna Charta, cap. 31.* And for further proof see *Glanville*.

In *Edward the Third*, certain Lands being parcel of the Barony of *Bremberway* were aliened by *William de Browse* the Baron thereof, without the King's Licence; and in the Argument of the Case concerning the same, Judge *Green* delivered this for Law. First, That parcel of a Barony or Earldom of the King in chief cannot be aliened or dismembred without his Licence; and if it be, it shall be seized into the King's Hands as forfeited, and the King shall be seized thereof in his own Right again. In 43 *Edw. III.* it was found by an Office, that *William* Bishop of *Chester* had leased unto one *John Preston*, for his Life, a Mannor which was parcel of the Mannor of the said Bishoprick without Licence, and it was resolved by the Judges, and others of the King's Council, That the same was forfeited; but by mediation of the said Council the Bishop submitted himself to the King, and made a Fine, and several *Scire Facias's* issued out against them that had received the many Profits, to answer unto the King thereof. And thus much concerning Alienations of Baronies without Licence.

But on the other part, if a Baron by Tenure, who holds any Honour, Castle, or Mannor by Barony, do grant or alien the same by Licence, I must again distinguish: For either such Alienation is made for the continuance of his Barony, Honour, Lands, and Tenements in his own Name, Blood, and Issue Male; or else the same Alienation is made for Money or other Recompence, or otherwise to a meer Stranger: And hereof ensueth this second Conclusion or Assertion, That if such Alienation be made for the continuance of his Barony in his Name and Blood, or Issue Male (as many have made the like) then may such Issue Male, together with the Barony (be it Castle, Honour, or Mannor so holden) hold, and lawfully enjoy the Name, Style, Title and Dignity of a Baron.

Moreover concerning the second Objection, It is very true that many ancient Mannors which

were in Times past holden by Barony, are now in the Hands of Gentlemen, mean and ignoble by Blood, who never do, or may claim any Nobility or Honour thereby. But there hath been some former Gifts made by the King's Progenitors to such as they honoured in Augmentation and Support of their Honour, and for honourable Services, should thus come to the Hands of mean Personages, are twofold: First, For that such Mannors have been aliened by Licence unto such Persons before spoken, of whom such Possessions alone cannot make Noble. Secondly, And that was usually such Mannors as were in ancient Time holden by Barony, that have upon divers Occasions come to the Crown, were extinct; and after the same Lands were given or conveyed to others, reserving other Services than those which at the first were due for the same; so that it was no marvel that some Mannors anciently holden by Barony, or other honourable Service, should now be holden in Soccage, or by other mean Tenure.

As to that which was thirdly objected, That some ancient Barons there are which have aliened and sold away those Castles and Mannors of which they have and do bear the Name and Dignity, and yet still themselves do retain and lawfully keep the Dignity and Degree of a Baron, and have been, and are called to Parliament notwithstanding such Alienation:

To that I answer, That it is true; but it proveth nothing against the former Resolution; and therefore for better satisfaction of this Point, it is to be considered, that either such Barons are original Barons by Writ, or Barons by Tenure. Barons by Writ (in this respect now in Hand) are of two kinds; for either in such Writ whereby they are, or their Ancestors were first summoned, they were only named by their own Names, or else there was addition given them of the principal Place of their abode, which was done for Distinction sake, either to sever them from some honourable Person of the same Name; or else to give them such honourable Title by addition of the Place, which Place notwithstanding was not holden by Barony: And therefore if such a Baron do alien away that Place which was anciently his Seat, he may nevertheless retain his honourable Title, no respect had of such Place.

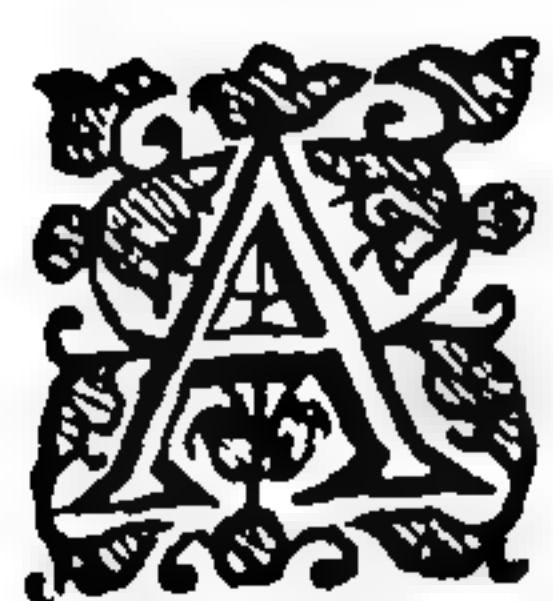
But if a Baron by Tenure do alien away the Honour, Castle, or Mannor holden by Barony unto a mean Person not capable of Honour, and by sufficient Licence so to do; and after the Alienor which made such Alienation, be called by Writ to Parliament under the Title, or as a Baron to such Honour, Castle, or Mannor so aliened that away which he held by Barony. But thenceforth, after such Writ of Summons he is become a Baron by Writ, such Alienation notwithstanding, soasmuch as the Writ directeth at the Pleasure of the Prince, doth give unto him that Addition of Name and Dignity.

And thus much touching the Resolution of the said Question, and Satisfaction of the said Objections, and of Barons by Tenure.



## C H A P. XI.

BARONS by WRIT, which is the second kind of Barons mentioned in the former Division of Barons.



BARON by Writ, is he unto whom a Writ of Summons, in the Name of the King, is directed, to come to the Parliament appointed at a certain Time and Place to be holden, and there with his Majesty, the Prelates, and Nobility, to treat and advise about the weighty Affairs of the Nation; which Writ is much to the effect of the aforementioned Writ in the Title of Earl, and which kind of Writ is as well directed to the Barons of Tenure, as by Creation by Patents: But those that are not Barons by Tenure, nor by Patent, and have only such Writs, after the receipt of such Writ, and Place taken in Parliament accordingly, ought to enjoy the Name and Dignity of Barons.

Touching the Antiquity of Barons by Writ only, and the first Institution thereof, I find little or no mention before the Reign of King Henry the Third; and therefore I conceive that either the first, or at least the first frequent use of such Barons, was had and devised 49 Hen. III. in case of Necessity, and upon a commendable Occasion: For in the disorder between the King and his Nobility in those troublesome Wars, where Seditious and Rebellions were stirred up by them against the said King, there were many great Battles fought, to the effusion of much Blood, of which said Rebellions the Right Honourable Simon Earl of Exeter was Ring-leader, for the Defence of their Liberties (as pretended) granted by *Magna Charta*, and Charter of the Forest, which are even to this Day the principal Grounds of the positive Law, and are the most ancient Statutes now in use amongst us.) And for the defence of other Constitutions and Ordinances then made at Oxford: And after divers Fields fought betwixt them at Northampton, Rochester, Lewes, and other Places; last of all was the Catastrophe of that Tragedy finished at Evesham or Esam in Worcester-shire, where the said Earl was slain, the King gained the Victory, and the rebellious Barons received their overthrow: Upon which presently ensued the Parliament holden at Winchester in Hampshire, and afterwards at Westminster, where such of the Barons as were slain in the Field against the King, and such others of them as were taken Prisoners, or made their escape by Flight, were to be attainted, and disinherited of their Estates. And the Number of Barons who had continued faithful unto their Sovereign being small, it was deemed a necessary Policy, to supply the Number of the diminished Barons with other Persons of known Worth, Wisdom, and Repute; by reason whereof there were called at those Parliaments the Abbots and Priors of the

Realm, as well those that held not by Barons, as others; and divers others of the most worthy Laity not holding by Barony; and these by means thereof were thenceforth Barons by Writ; but certain of the said Abbots and Priors, which held not by Barony, and thought it a Burthen to their Houses, got themselves (upon Petition) afterwards to be exempted, as by divers Records thereof remaining in the Chancery may appear.

This moreover is to be noted concerning the Writ of Summons to Parliament, that those Writs in form of their Directions are divers; some directed by special Name of Barons, as *Rex, &c. Edmundo Baroni de Stafford, Johanni Baroni de Graystock, Johanni Baroni de Dudley, Edwardo Nevill Baroni Abergavenny*, as it was in the Reign of King James.

Some other are summoned by the Name of the Party, with addition of the Place (as *Johanni Strange de Knocking, Militi, Edwardo Gray de Groby, Militi, Johanni le Scroop de Masbam, Militi, Willielmo Souch de Harringworth, Militi*) the chief Castle or Mannor of such Baron, which always stands afterwards for the head Place of the Barony, whereof the said Baron and his Heirs shall be surnamed, and called, and shall continue that Name of Place, although he do alien away the same, as aforesaid. Some others are named with the Title of Lord, as *Sir Hugh Bramsleed*, by Writ of the 27th of Henry the Sixth, was styled *Lord Veysey*.

*Johan. Beauchamp Domino de Beauchamp Johanni Domino de Clynton*. To some others the Writ is directed only by their Name, without any addition of Place or Dignity, as *William de Lovell, Mil. William Devereux, Mil. &c.*

But the Nature, Quality, and Addition of those Barons by Writ is aptly discovered by the debate of a Question moved often amongst Men, and spoken of concerning the continuance and descent of a Barony by Writ; which Question, for the more orderly disposition thereof, I shall divide into these Heads or Points.

## Q U E S T I O N.

First, *Whether a Barony by Writ may descend from the Ancestor to the Heir, or not?*

Secondly, *Admit such a Barony may descend, then, Whether it doth descend to the Heirs, although not so near as the Heir Female?*

Thirdly, *Admit it doth descend to the Heirs Female; then, Whether may the Husband of such an Heir Female take upon him the Name, Style, and Dignity of such a Barony in right of his Wife, or no?*

Those



Those therefore that maintain the Negative, that such a Barony shall not descend, do strengthen themselves with these or the like Arguments, viz.

*The first Argument, Whether a Barony by Writ may descend?*

NOBILITY and Honour, which are given in respect of Wisdom, Counsel, and Advice, cannot extend to any other Person, or descend from one Man to another; for it is a Rule in Law, That *Privilegium personæ personam sequitur, & extinguetur cum persona*: But such is the Dignity of a Baron; therefore it is reason that it should not descend from the Ancestor to the Heir.

*The Second Argument.*

AGAIN, If the calling of the Parliament by Writ be the sufficient instrumental Cause of such Nobility to the Ancestor, the not calling of the Heir is a loss of that Nobility: For if the Heir have defects of Nature in him, as Idiotsie, Frensie, Leprosie, or the like, whereby he is become unfit for Counsels and Conversations, for what reason should he enjoy that Dignity, whereof he is either unworthy or incapable? For the Effect hath no place where the Cause faileth: And hereof they conclude that such Dignities of Baronies by Writ should not descend.

If on the contrary part, the Affirmation is thus proved. Honour, which is given in respect of Wisdom and Vertue of him on whom it was first bestowed, is not only a due Recompence for himself whilst he lived, but also a memorable Reward thereof to Posterity. The Words of *Cicero* to this effect are most excellent, *Homines bonos semper nobilitate favimus, & quia utile republica est nobiles esse & homines dignos majoribus suis, & quia valere debet apud nos claros hujusmodi senes fuisse, à republica moveretur memoria & mortuorum Honor*. Therefore this kind of Honour is Patrimonial and Hereditary; for things which are once granted unto a Man by the King for his Honour, are not again to be returned to his Loss and Disgrace, or to his Heirs.

*The Third Argument.*

Secondly, If the Infamy of the Father be a Blot to the Posterity, as the Wise-man *Solomon* affirmeth, The Children complain for an ungodly Father, they are reprov'd for his sake; and for that also the Law of the Realm doth corrupt the Blood of the Posterity by and upon the Offence of the Ancestor; Reason would also be, that the Honour of the Ancestor should be likewise Honour to the Posterity; for Contraries do also carry their contrary Reason. For the determination whereof, 'tis to be noted, that diversity of Reason hath bred diversity of Opinion. Some there are that do speak, That the Dignity of a Baron by Writ is not descendable from the Ancestor unto the Heir, unless the Heir be likewise called by

Writ to Parliament, and that then it becometh an Inheritance, and not before. But this Assertion is repugnant to the nature of Descent, which for the most part doth carry a Patrimony descendable by Act of Law presently upon the Death of the Ancestor unto the Heir not at all. Wherefore the Custom of the Country, and the manifest Presidents do prove, that this kind of Baronies doth descend from the Ancestor to the Heir, and there needeth not any Word of Heir in the Writ of Summons; only one President there is in a special Writ sometime directed to Sir *Henry Bromfleet* in the 27th of *Henry the Sixth*, wherein he was styled *Lord Veysey*, and wherein there are these Words inserted, *Volumus tamen vos & heredes vestros de corpore vestro legitime enatos Barones de Veysey existerent*. Wherefore it is very true, that when the Heir of any such Baron by Writ is called to the Parliament, that his Descent of Honour is thereby established and approved of by the gracious Judgment of our Sacred Sovereign: So it is also true, that if it shall stand with his Majesties Pleasure, that such an Heir shall not be summoned at all, then that Nobility is much impaired, and in a manner extinguished in the Censure of all Men; for that it hath no other Original but by a Writ of Summons, from the which, by the Judgment of the Supream Sovereign, he is excluded.

As to the second principal Point, Whether the Barony by Writ may descend to the Heir Female, it shall not be amiss likewise to shew the Reasons on either part, that by conflict of Argument the Truth may the better be discovered.

Those that maintain the Affirmative part, do say, That in reason the Sex of the Heir Female ought no more to bar her Dignity, than the Nonage of the Heir Male ought to bar him, though during his Nonage he be unable to do the Service. But as the Service of the one is for time forborn, so the Sex of the other may at all Times be supplied by the maturity of her Husbands Offices of Honour, which do much import the Commonweal, being passed by Inheritance, do descend to the Heir Female; as the Office of the High Constablership of *England*, which descended unto the Daughter of *Hum. de Bobun*, Earl of *Hereford* and *Essex*. Also the Office of the Lord Steward descended to *Blanch*, Daughter of *Henry* Earl of *Lancaster*. The like may be said of the Office of Earl-Marshal, which descended by an Heir Female to the House of *Norfolk*. All which Offices are as unfit to be exercised by a Woman, as for a Woman to be summoned by Writ to the Parliament as a Baroness, &c.

Many Noble Houses also in *England* do support and lawfully bear the Dignity of a Baronage unto them descended by a Woman.

*The First Argument contra.*

THEY which stand of the Negative part in this Controversie, do encounter their Adversaries in this manner, viz. The Writ of Summons to the



the Parliament, whereby the Baron by Writ hath his Original, is to call that Honourable and Worthy Person so summoned to the number of that Right, High, and Honourable Assembly, and to be a Judge, to sit, hear, and determine Life and Member, Plea and Right of Land, if there shall come Occasion: Likewise to give Counsel and Advise in the most mighty Affairs of the Realm: But these Things are convenient for the Quality and Condition of Men; unfitting, and altogether unbecoming the Sex of Women.

*Ergo*, having respect unto the Scope and final Purpose of such Writs, such Inheritances should only descend unto the Heir Female.

*The Second Argument contra.*

Secondly, If it shall be answered, That although the Heir Female, to whom such Inheritance is descended, be unfit in her own Person for the accomplishing of these Things; yet she may marry with one sufficiently able for her, and in her behalf to execute the same. This Answer will neither satisfy nor solve the Inconveniencies: For admit that such an Heir Female were at full Age at the Death of her Ancestor, unmarried; for it doth lye in her own Choice then whom shall be her Husband.

*The Third Argument contra.*

Thirdly, If such Husband shall be called by the Right of his Wife, the Writ shall make some mention thereof; for otherwise it may well be taken that the Husband was chosen in his own Person, and in behalf of himself, and not in regard of his Wife, or such pretended Dignity descended unto him. But there was never such a Writ of Summons seen wherein the Wife was mentioned. And if the Husband of such a Wife have been called to the Parliament (which is always by General Writ) not mentioning his Wife, he is thereby made a Baron of himself by virtue of the said Writ. Having thus heard both Sides to dispute Place, it doth now require to interpose Opinion to compound the Controversie. This Point in question is somewhat perplexed by means of difficult Presidents: For first it is observed, That some Presidents do prove that Baronies by Writ have descended unto Heirs Female, whose Husbands have been called to Parliament, whether in regard of themselves, or in respect of their Wives right, it maketh no matter: But since it is, that the Marriage of such Ladies gave that Occasion to be summoned, and such Husbands and their Posterity have and do lawfully bear the same Title of Dignity, which the Ancestors of such a Wife did before rightfully bear: For by this Controversie there is no purpose to call the Right of such Noble Houses into question. However, Secondly, this is to be observed out of the Presidents, and to be acknowledged of every dutiful Subject, That the King's Majesty is nevertheless at liberty to call to his High Council of Par-

liament, whom he shall in his Princely Wisdom think fit, which his Majesty's Noble Progenitors have in former Ages likewise observed.

And therefore whereas *Ralph Lord Cromwell*, being a Baron by Writ, died without Issue, having two Sisters and Coheirs, *Elizabeth* the Eldest, who married *Sir Thomas Nevile*, Knight, and *Joan* the Younger, who married *Sir Humphrey Bourchier*, Knight, who was called to Parliament as *Lord Cromwell*, and not the said *Sir Thomas*. Thirdly, It is to be observed, That if a Baron by Writ die without Heir Male, having his Daughter, Sister, or other Collateral Heir Male that can challenge the Land of the said Baron deceased by any ancient Entail, or otherwise, the Title of such an Heir Female hath heretofore been allowed, as by the honourable Opinions and Relations of the Right Honourable the late Commissioners in the Office of Earl-Marshal, signified to Queen *Elizabeth*, upon Petition of the Sister and Heir of *Gregory Lord Dacres* deceased, may appear.

Moreover, in the same Pedigree of the *Lord Dacres* it was expressed, That *Thomas* sometimes *Lord Dacres*, had Issue *Thomas* his eldest Son, *Ralph* his Second, and *Humphrey* his Third. *Thomas*, the Eldest, died in the Life of his Father, having Issue *Joan* Daughter and Heir, who was married to *Sir Richard Fines*, Knight, and after *Thomas Lord Dacres* his Grandfather, and Father to the said *Ralph* and *Humphrey*, died; after whose death *Henry the Sixth*, by his Letters Patents bearing Date at *Westminster* the Seventh of *November*, in the Seventh Year of his Reign, reciting the said Pedigree and Marriage, doth by his said Letters Patents accept, declare, and repute the said *Richard Fines* to be *Lord Dacres*, and one of the Barons of the Realm. But afterwards, in the Time of *Edward the Fourth*, the said *Humphrey Dacres*, after the Attainder of the said *Ralph*, and himself by an Act of Parliament, which was the first of *Edward the Fourth*; And after the Death of the said *Ralph*, and the Reversal of the said Act, by another Act in the Twelfth of *Edward the Fourth*, the said *Humphrey* made Challenge unto the said Barony, and unto divers Lands of the said *Thomas* his Father, whereupon both Parties, after their Title had been considered of in Parliament, submitted themselves to the Arbitrament of King *Edward the Fourth*, and entered into Bond each to the other for the performance thereof: Whereupon the said King, in his Award under his Privy Seal, bearing Date at *Westminster* the Eighth of *April*, *Anno Regni sui decimo tertio*, did Award that the said *Richard Fines*, in the Right of *Joan* his Wife, and the Heirs of his Body, by the said *Joan* begotten, should keep, have, and use the same Seat and Place in every Parliament, as the said *Thomas Dacres* Knight, *Lord Dacres*, had used and kept; and that the Heirs of the Body of the said *Thomas Dacres* Knight, then late *Lord Dacres*, begotten, should have and hold to them and to their Heirs the Mannor of *Holbeach*. And further, That the said King *Edward* did Award on the other



Part, that the said *Humphrey Dacres* Knight, and the Heirs Males of the said *Thomas*, late Lord *Dacres*, should be reputed, had, named, and called the Lord *Dacres* of *Gillefland*; and that he, and the Heirs Males of the Body of the said *Thomas*, then late Lord *Dacres*, should have, use, and keep the place in Parliament next adjoyning beneath the said place, which the said *Richard Fines* Knight, Lord *Dacres*, then had and occupied.

And that the Heirs of the Body of the said *Joan* his Wife shall have and enjoy, and that the Heirs Males of the said *Thomas Dacres*, late Lord *Dacres*, should have to them and the Heirs Males of their Bodies begotten, the Mannor of *Jotbington*, &c. And so note, that the Name of the ancient Barony, namely *Gillefland*, remained unto the Heir Male to whom the Land was entailed.

Moreover this is specially observed, If any Baron by Writ do die, having no other Issue than Female, and that by some special Entail, or other Assurance, there be an Heir Male which doth enjoy all or great part of the Lands, Possessions, and Inheritances of such Baron deceased, the Kings have used to call to the Parliament by Writ, as Baron, such Heir Male, omitting the Husband of the Issue of such Heir Female. And this also appeareth by a notable Controversie in the Time of *Henry* the Seventh, between Sir *Robert Willoughby* Lord *Brook*, and *Richard* Lord *Lattimer*, for the Barony of *Lattimer*, which in effect was; The said Lord *Brook* did challenge the Barony of *Lattimer*, as Cousin and Heir of *Elizabeth* his Great-grandmother, who was Sister and Heir of *John Nevill* Lord *Lattimer*, who died without Issue: And hereupon exhibited a Petition to *Henry* the Seventh in Parliament; whereunto *Richard* Lord *Lattimer* was called to answer, because he then enjoyed the said Title and Dignity.

The said *Richard* Lord *Lattimer* did by his Answer shew, That after the Death of the said *John Nevill* Lord *Lattimer* without Issue, the said *Elizabeth* was his Sister, and next Heir, and married unto *Thomas Willoughby* Knight, second Son of the Lord *Willoughby*. But *Henry* the Sixth, for that the said *John Nevill* Lord *Lattimer* was dead without Issue, and that the next Heir was Female, did therefore call to the Parliament *George Nevill* Knight, second Son of *Henry* Earl of *Westmoreland*, to be Lord *Lattimer*, as Cousin and next Heir Male of the said *John Nevill* Lord *Lattimer*; which *George* was Grandfather of the said *Richard* Lord *Lattimer*, Father of the said *Richard*. In debate of which Cause, the Question now in hand, namely, Whether a Barony by Writ may descend to the Heirs Female? was advisedly considered of by the King and his Nobility in Parliament, and in the end adjudged with the said *Richard* Lord *Lattimer*; which President doth afford us two Judgments in this Point: And in the time of *Henry* the Sixth, when the Writ was directed to the said Sir *George Nevill* Knight, whereby he was summoned as

Lord *Lattimer* to the Parliament, and as Heir Male, and not the said *Thomas Willoughby* Knight, Husband of the said *Elizabeth*, Heir Female. And the second Judgment was given in the time of *Henry* the Seventh, whereby the said Barony was adjudged to the said *Richard* Lord *Lattimer*, coming out of the special Heir Male, against the Lord *Brook*, descended of the general Heir Male.

But here in this President before remembered of the Barony of *Dacres*, may be objected to encounter this Conclusion, for there was an Heir Female married unto Sir *Richard Fines*, who by the Declaration of King *Henry* the Sixth, was Baron of *Dacres* in right of his Wife. And there was also *Ralph* and *Humphrey*, the Heirs Males, before whom the Heir Female was preferred by the Censure of *Henry* the Sixth, and *Edward* the Fourth. This Objection is easily answered; for although *Henry* the Sixth, through the Princely favour which he bore unto Sir *Richard Fines*, had declared him to the Lord *Dacres* in Right of his Wife; yet notwithstanding did *Ralph Dacres*, being Heir Male then unto the Lord *Dacres*, and by that Name was attainted in Parliament, Anno primo Hen. IV.

Wherefore the reason why the Heir Male could not be regarded was the said Attainder of the said *Ralph* and *Humphrey* his Brother; and therefore when *Humphrey* in the 12th of *Edw.* the Fourth, laboured to have the said Attainder reversed, he submitted himself to the Arbitriment of the King, who to satisfy both Competitors, both having deserved of him after he had admitted them to his Favour, he allowed one to be Lord *Dacres*, and the other to be the Lord *Dacres* of *Gillefland*.

*And thus much concerning the second Point, Whether a Barony by Writ may descend unto the Heir Female.*

#### *The third Point.*

As concerning the third Point, admitting such Descent to be to the Heir Female, when there is no Heir Male that may claim the same; for then doth this Question take place, Whether the Husband of such an Heir Female shall enjoy the Dignity in Right of his Wife, or no? Wherein we are to rest upon a Resolution had and given to this special Question, which was in this manner.

In the time of *Henry* the Eighth, when Mr. *Wimby* took upon him the Stile of Lord *Talbot* in Right of his Wife, having no Issue by her; The said King, assisted both by Civil and Temporal Lawyers, gave Sentence, That no Husband of a Baroness, in her Right, should use that Stile and Dignity, until he had by her a Child, whereby she should become Tenant by Courtesie unto her Inheritance. The special Reasons that occasioned this Sentence, were two.

First, It should be convenient for her Husband this Day to be a Baron and a Peer of the Realm, and



and to Morrow, by the Death of his Wife, to become none, and without the Default of the Party.

Secondly, If he had Issue by Wife, and were entituled to be Tenant, by the Courtesie of *England*, of his Wives Lands, if he shall not also bear the Stile and Dignity of his Wives Barony, then should the Son, after the Death of his Mother,

dying in the Life-time of his Father, be a Baron and Lord without Land; for so the Father should have the Land as Tenant by Courtesie, and the Son the Lordship without Land. And thus much said concerning the Nature, Quality, and Estate of a Baron by Writ, and for the Resolution of the several Points and Articles of the Question proposed, may suffice.

C H A P. XII.

BARONS by PATENT, which is the Third Kind of Barons mentioned in the former Division of Barons.



HERE is also a Fourth Means of Creation, viz, by Act of Parliament: But the First two mentioned, and this other by Patent, is most usual for the Honour of the King; for thereby the Donation doth proceed from His Majesty only, as from the Fountain of Honour: But when the Creation is by Parliament, the King ever is one, and may be said to be Donor.

A Baron therefore by Creation by reason of Letters Patents, is that noble Person whom the King, or any of his Progenitors, Kings of this Realm, have created Baron by such their Letters Patents, began in the Reign of King *Richard* the Second.

This kind of Dignity of a Baron shall be of such continuance in Descent, or otherwise, as shall be limited in the *Habendum* in such Letters Patents contained: For it may be but for the Life of him to whom it is given, or for Term *vanter vie*, as some hold Opinion, in the 32d of *Hen. VI.* for *cujus est dare est disponere*. It may be in special in our general Tayl; and this kind of Tayl was usual before the Statute made *decimo tertio* of *Edw. I.* by which Estate Tayl of Lands and Tenements was created, as appeareth by the Patent whereby *Hubert de Burgo* was made Earl of *Kent* in the Time of *Henry* the Third, by these words; *Habendum sibi & heredibus suis de corpore Margarete uxoris sui, sororis Alexandri Regis Scotiae, procreatis, & pro defectu talis exitus remanere in directis heredibus dicti Huberti*. And that Estates intayl are at this Day of Titles of Honour by the said Statute of *Westminster* the Second.

QUESTION.

If a Nobleman and his Progenitors have for a long time been called to Parliament, and be a Baron either by Tenure or Writ, and have had in regard thereof a Place certain in Parliament; if afterwards the said Nobleman should be created a Baron of that Barony, and by the same Name by Letters Patents, whether shall he and his Heirs retain his old Place in Parliament, which he had according to his former Dignity; or whether shall

he lose his old Place, and take a new one, according to the time of his Creation?

ANSWER.

THE Case of the Lord *Delaware* lately erected a Resolution somewhat answerable to this Question: *Thomas Delaware*, in the Third of *Edward* the Sixth, being in some Displeasure with *William West* his Heir and Nephew, who was Father to *Thomas* late Lord *Delaware*, and Grandfather to *Henry* Lord *Delaware* that *Nevis* procured by Act of Parliament, by which the said *William West* was, during his natural Life only, clearly disabled to claim, demand, or have any manner of Right, Title, or Interest, by Descent, Remainder, or otherwise, in or to the Mannors, Lands, Tenements, or Hereditaments, Title and Dignity of *Thomas* Lord *Delaware* his Uncle, &c. After the said *Thomas Delaware* died, and the said *William West* was in the Time of Queen *Mary* attainted of Treason by Verdict, but pardoned by the said Queen; and afterwards by Parliament, in the time of Queen *Elizabeth*, was restored; and in the Fourth Year of her Reign was created Lord *Delaware* by Patent, and took Place in Parliament accordingly, for that by the said Act of Parliament of *Edward* the Sixth, he was excluded to challenge the former ancient Barony; and after he died. Now whether *Thomas Delaware* should take his Place according to the ancient Barony by Writ, or according to his Father's Creation by Patent, was the Question. The Opinions of the late Queen's Council, being His Majesty's Attorney-General and Solicitor, were, That the Acceptance of the new Creation by the said *William West* could not extinguish the ancient Dignity, for that he had not the ancient Dignity in him at that time of his Creation; but the Dignity was by the Act of Parliament 3 *Edw. VI.* in the Ballance of Suspence or Consideration of Law, and he thereby utterly disabled to have the same during his Life, only so as other acceptance could not extinguish that Dignity which he then had not, nor could not exclude his Heir, who was not disabled by the Parliament 3 *Edw. VI.* to claim



the ancient Barony; which Opinion of theirs was seen and allowed by the then Chief Justice of England, and Lord Chief Baron, and so signified to the Lord Keeper. But this to be noted by the Reasons made for the said Resolution, though if the said Sir William West had been Baron, and entitled, and in possession of the ancient Dignity, when he accepted the ancient Creation, the Law perchance might have been otherwise; but that remains as yet unresolved: Nevertheless the Rule is, *Eodem modo, quo quid constituitur, dissolvitur*. But by a Grant which is but a Matter of Fact, a Man cannot transfer his Title of Honour. And thus much concerning the Degrees of Barons within this Realm upon this Occasion, for the better understanding and direction of that which followeth to be handled. And in this place I think it not impertinent to mention one Case, which I met with in our Books of Common Law, concerning the Descent of a Title of Honour, whereof the Ancestor had Estate in Fee-simple; there is a Maxim in the Law, *Possessio fratris in feodo facit sororem esse heredem*: But if a Man, by any of the three Means aforesaid, be created into a Title of Dignity to him and his Heirs for ever, and so have Issue by one Wife a Son and a Daughter, and also a Son by a second Wife; afterwards the Father dieth, and his eldest Son entreth into all his Father's Inheritances, and also enjoyeth the Titles and Dignities which his Father had, but dieth without Issue: In this Case the Dignity shall descend upon the younger Son, though he be but of the half Blood to him that last enjoyed that Name and Title of Descent; and shall not descend to his Sister of the whole Blood. And yet in this case he shall only be her Brother's Heir of all his Fee-simple Lands; and the reason thereof is, because *possessio fratris* is the Name and sole Cause which may give Title to her, his Sister, which faileth in this case of Dignity; for it cannot be said that her elder Brother was in Possession of his Title of Honour, no more than of his Blood; so as neither by his own act, nor any act to be done by any other, did gain more actual Possession (if so it may be termed) than by the Law did descend to him: And therefore the younger Brother may well by the Law make himself Heir unto his Father of the Honour, when he cannot be Heir unto his Brother: So that this word [Possession] which is no other than *peccis positio*, extendeth only unto such Things of which a Man may, by his Entry, or other Act, be possessed, and doth require actual Possession. *Coke's Third Part*, 92.

Having thus much treated concerning the Creations, and other Things incident to the Degrees of Nobility, I cannot omit some Things concerning the Sufficiency and Ability of Estate, which the Law doth require to be in every of them, according to their several Dignities. The Common Law (which always wills Decorum and Convenience be observed, considering the Charges and Dignities appertaining to these Degrees and Dignities, being Offices of principal Service to the King and Realm, both in War and Peace) hath

ordered, that each of them ought to have a convenient Portion and Inheritance in Land to support the said Dignity, which Supplies are as Sir news conjoined in the same: For in Virtue and Riches (as *Aristotle* confesseth) all the old Nobility consisted, and which two Properties maketh a good Compliment; for *utilior est sapientia cum divitiis conjuncta*. Therefore a Knight's Fee which he ought to have is Twenty Pounds Land by the Year; a Baron's, thirteen Knights Fees and a quarter; and an Earl's twenty Knights Fees. For always the fourth part of each Revenues, which is by the Law held requisite for the Dignity, shall be paid to the King for the Relief. As for Example; the Relief of a Knight is five Pounds, which is the one fourth of his Revenue, according to the Statute of the First of *Edward* the Second. The Relief of a Baron is One hundred Marks, which is also the fourth part of his Revenue. And the Relief of an Earl is One hundred Pounds also, the fourth part of his Revenue. And it appears by the Records of the *Exchequer*, that the Relief of a Duke amounteth unto Three hundred pounds. And this is the reason in our Books, that every of the Nobility is presumed in the Law to have sufficient Freehold *ad sustinendum nomen & onus*. And to what value those ancient Fees in the Time of *Henry* the Third, and *Edward* the Fourth, at this Day do amount unto, most Men are not unskilful in, *Coke's seventh Part*, 33. And in Cases of Decay of Ability, and Estate, as *Senatores Romani amoti Senatu*, so sometimes they are not admitted to the Upper House of Parliament, though they still keep their Title and Dignity. *Sir Thomas Smith de Republica Anglorum* 22. And by the Statute made 31 *Hen.* 8. cap. 10. the Lords have their Places prescribed after this manner as followeth, *viz.* These four, the Lord Chancellor, the Lord Treasurer, the Lord President of the Council, and the Lord Privy Seal, being Persons of the Degree of a Baron or above, are in the same Act appointed to sit in Parliament, and in all Assemblies and Councils, above all Dukes, not being of the Blood Royal, *viz.* the King's Uncle, Brother, and Nephew. And these Six, *viz.* the Lord Great Chamberlain of England, the Lord High-Constable of England, the Lord Marshal of England, the Lord Admiral of England, the Lord High-Steward of His Majesty's Household, and the Lord Chamberlain also of His Majesty's Household, by that Act are to be placed in all Assemblies of Council after the Lord Privy-Seal, according to their Degrees: So that if he be a Baron, then he is to sit above all Barons; or if an Earl, above all Earls. And so likewise the King's Secretaries, being Barons or Earls, have place above all Barons or Earls.

\* *George Nevil*, Baron of *Abergavenny*.

*Creations.*

\* Baron by Tenure of the Castle of *Abergavenny* (in *Com' Monmouth*) (*jure Uxoris*) 27 *H.* 6. (1448.) and Summons, 5 *Sept.* 29 *H.* 6. (1450.)



- (1450.) By Descent anciently, 23 July, 16 R. 2.
- (1392.) Originally 23 June, 23 Ed. 1.
- (1295.)

*Arms.*

• *Gules*, on a Saltire, *Argent*, a Rose of Lancaster, i. e. a Red Rose; which is of late omitted. Crest, on a Wreath, a Bull passant, *Argent*, pyed, *Sable*, collar'd (with a Line thereto) *Or*. Formerly, out of a Ducal Coronet, *Or*, a Bull's Head, *Argent*, charg'd with the Rose. Supporters, two pyed Bulls collar'd (with Chains thereto) *Or*.

• James Touchet, Earl of Castlehaven, and Baron Audley of Heleigh, Lord Touchet, Keme, and Ebbingham.

*Creations.*

• Baron Audley (of Heleigh in Com' Stafford) by Summons 26 Feb. 8 Hen. 5. (1420.) Anciently 20 Oct. 5 H. 4. (1403.) by Descent: Originally 26 Jan. 25 Ed. 1. (1296.) [English Honours.] And Earl Sept. 14 Jac. 1. (1616.) [Irish Honour.] Baron Touchet by Grant, 13 Mar. . . . Jac. 1. (1617.) [English Honour.]

*Arms.*

• *Ermine*, a Chevron, *Gules*. Crest, out of a Ducal Coronet, *Or*, a Swan rising, *Argent*, and Crown'd Ducally, *Or*. Anciently, an old Man's Head coup'd, proper, wreath'd about the Temples. Supporters, two Wyverns, *Sable*.

• John West, Baron La Warr.

*Creations.*

• Baron La Warr by Summons 15 July, 5 Hen. 6. (also 21 June, 3 H. 4. (1402.) &c. And 25 Feb. 16 Ed. 3. (1341.) by Descent: Originally 6 Feb. 27 Ed. 1. (1298.) and 8 June, 22 Ed. 1. (1294.)

*Arms.*

• *Argent*, a Fess dancetté, *Sable*, anciently Cantilupe's Arms, viz. *Azure*, three Leopards Heads jessant Fleurs-de-Lys, *Or*. Crest, out of a Crown Ducal, *Or*, a Griffin's Head, *Azure*, bequed, bearded, and eared, *Or*. Anciently, a Bird's Head, *Argent*, charged with a Fess dancetté, *Sable*. Supporters, on the Dexter Side a Tyger, *Argent*, tusked and collared, *Or*; on the Sinister Side, a Cockatrice, proper, i. e. *Or*. Winged, *Azure*, crilled, &c. *Gules*. Motto, *Jour de ma Vie*.

• Charles Mildmay, Baron Fitz-walter.

*Creations.*

• Baron Fitz-walter by Descent and Summons 10 Feb. 22 Car. 2. (1669.) Anciently 15 Sept. 1 H. 7. (1485.) Originally 23 June, 23 Ed. 1. (1295.)

*Arms.*

• *Argent*, three Lions rampant, *Azure*. Crest, on a Wreath, a Lion rampant guardant, *Azure*. Supporters, two Lions guardant, *Purple*, having on their Heads Chapeaus, *Purple*, lined, *Or*. Motto, *Virtute non Vi*.

• Edward Ward, Baron Dudley and Ward of Birmingham.

*Creations.*

• Baron Ward (of Birmingham in Com' Warw') by Patent 23 Mar. 19 Car. 1. (1643.) Baron Dudley by Descent and Summons, 15 Feb. 18 Hen. 6. (1439.) Anciently 25 Feb. 16 Ed. 3. (1341.) Originally 10 Mar. 1 Ed. 2. (1307.) And by Tenure.

*Arms.*

• Checquy, *Or* and *Azure*, a Bend *Ermine*. Crest, on a Wreath, a Lion guardant sejant, *Azure*. Supporters, two Angels crined and winged, *Or*; their upper Garments *Azure*, their under *Sanguine*. Motto, *Come je fen*.

• Edward Stourton, Baron Stourton of Stourton.

*Creations.*

• Baron Stourton (of Stourton in Com' Wilts.) by Patent 13 May, 26 Hen. 6. (1448.)

*Arms.*

• *Sable*, a Bend, *Or*, between six Fountains, proper. Crest, on a Wreath, a Demi-Monk habited, *Sable*, girt, *Argent*, holding a Whip of the same, knotted, *Sable*. Supporters, two Sea-Dogs, proper. Motto, *Loyal de seray durant ma vie*.

• George Verney, Baron Willoughby of Broke.

*Creations.*

• Baron Willoughby (of Broke in Com' Wilts.) Allowed in Parliament, by a Resolution upon the Question, 13 Feb. 8 W. 3. (1695.) by Descent, and thereupon summoned 25 Feb. next following: Originally 12 Aug. 7. Hen. 7. (1492.)

*Arms.*

• *Gules*, three Crosses recercelè, *Or*, a Chief *Vaire*, *Ermine*, and *Ermines*. Crest, on a Wreath, The Bust of King Cam, or an Indian King's Head coup'd, proper; Crowned, *Or*. Anciently, on a Wreath, two Buffalo's Horns, *Or*, Semé of Torteauxes. Supporters, two Antilopes, *Argent*, Semé of Torteauxes attired, maimed, and unguled, *Or*. Motto, *Vertue vaunceth*.

• Charles Willoughby, Baron Willoughby of Parham.

*Creations.*



## Creations.

‘ Baron Willoughby (of Parham in Com’ Suffol’) by Patent 16 Febr. 1 Ed. 6. (1546.)

## Arms.

‘ Or, fretty, Azure. Crest, on a Wreath, a King’s Head called *Cann*, couped, proper, crined Sable, crowned, Or. Supporters, on the Dexter Side an Ostridge, *Argent*; on the Sinister Side, a Savage Man, proper. Motto, *Vertu sans peur*.

‘ Thomas Howard, Baron Howard of Effingham.

## Creations.

‘ Baron Howard (of Effingham in Com’ Surrey.) by Patent, 11 Mar. 1 Mar’ (1553.)

## Arms.

‘ The same as the Duke of Norfolk, with a Crescent for a Difference; anciently with a Mullet. Crest, on a Chapeau, Gules, lined, Ermine, a Lion passant guardant, Or, gorged with a Ducal Crown, *Argent*; with a Crescent on his Shoulder. Supporters, two Lions, *Argent*, on their Shoulders a Crescent difference. Motto, *Desir n’a Repose*.

‘ William North, Baron North of Kirtling (vulgo Cartlage) and Baron Grey of Rolleston.

## Creations.

‘ Baron North (of Kirtling in Com’ Cantab’) by Summons, 17 Feb. 1 Mar. (1553.) and Place in the House of Parliament, 7 Apr. ensuing; And Baron Grey (of Rolleston in Com’ Stafford’) Likewise by Summons 27 Oct. 25 Car. 2. (1673.)

## Arms.

‘ Azure, a Lion passant, Or, between three Fleurs-de-Lys, *Argent*; Crest, on a Wreath, a Dragon’s Head erased, Sable, gorged with a Ducal Crown, Or. Supporters, two Dragons Sable, gorged with Ducal Crowns, Or: Sometimes on the Sinister Side was used a Griffin. . . . Motto, *La Vertu est la seul noblesse*; anciently, *Durum pati*.

‘ William-Ferdinand Cary, Baron Hunsdon.

## Creations.

‘ Baron Hunsdon (of Hunsdon in Com’ Hertford’) by Patent 13 Jan. 1 Eliz. (1558.)

## Arms.

*Argent*, on a Bend, Sable, 3 Roses of the First, the Arms of a vanquish’d Arragonian Knight. Their proper Arms, Gules, a Chevron between 3 Swans, *Argent*. Crest, on a Wreath, a Swan rowfant, *Argent*; anciently, on a Wreath, an Horse’s Head couped, *Argent*, banded, *Argent* and Sable, bridled, &c. Or. Supporters, on the Dexter Side a Ram, by others called a Bag-

win, *Argent*, attired, Or, spotted of all Colours: On the Sinister Side, a Male Griffin, *Argent*; anciently, the Bagwin was ducally gorged and lined, Or, and the Male Griffin colored and lined, Or. Motto, *Come je trouve*.

‘ William St. John, Baron St. John of Bletsho.

## Creations.

‘ Baron St. John (of Bletsho in Com’ Bedford’) by Patent 13 Jan. 1 Eliz. (1558.)

## Arms.

‘ *Argent*, on a Chief, Gules, 2 Mulletts pierced, Or; Crest, on a Wreath, a Falcon, volant, Or, Ducally gorged, Gules. Supporters, two Marmosets, proper, lined, Or. Motto, *Data secutus*.

‘ James Compton, Baron Compton.

## Creations.

‘ Baron Compton (of Compton at the Vineyard in Com’ Warw’) by Summons Jan. 10 Q. Anne (1711.) but placed here as his Father, by Summons 8 May, 14 Eliz. (1572.)

## Arms.

‘ Arms, Crest, and Supporters the same as his Father the Earl of Northampton, with a Label difference in the Arms, and round the Supporters Necks.

‘ Robert Petre, Baron Petre of Writtle.

## Creations.

‘ Baron Petre (of Writtle in Com’ Essex’) by Patent 21 July, 1 Jac. 1. (1603.)

## Arms.

‘ Gules, a Bend, Or, between two Escallops, *Argent*; anciently on the Bend a Chough, proper, between two Cinquefoils, Azure: And on a Chief, Or, a Rose between two Fleurs-de-Lys, which are demidiated pale-ways, Gules; which Chief was first left off, and next the Charge upon the Bend. Crest, on a Wreath, two Lions Heads erased, addorsed and collared, Or and Azure, counterchanged. Supporters, two Lions regardant; that on the Dexter Side, Or; the Sinister, Azure; both collared of the same Tinctures counterchanged. Motto, *Sans Dieu Rein*.

‘ Philip Gerard, Baron Gerard of Bromley.

## Creations.

‘ Philip Gerard (of Gerards-Bromley in Com’ Stafford’) by Patent 21 July, 1 Jac. 1. (1603.)

## Arms.

‘ *Argent*, a Saltire, Gules, with a Crescent difference; the proper Coat of Gerard; tho’ anciently this House sometime bore Brine of Brine, viz.



‘ *viz.* Azure, a Lion rampant Ermine crowned,  
‘ Or. Crest, on a Wreath, a Monkey passant,  
‘ proper, chained, Or. Supporters, two Lions,  
‘ Ermine, crowned, Or. Motto, *Bono vince*  
‘ *Malum.*

‘ Thomas Arundel, Baron Arundel of Wardour,  
‘ and Count of the Sacred Roman Empire.

*Creations.*

‘ Baron Arundel (of Wardour in Com’ Wilts)  
‘ by Patent 4 May, 3 Jac. 1. (1605.) And  
‘ Count by the Emperour Rodolph. by Patent  
‘ 14 Dec. 38 Eliz. (1595.)

*Arms.*

‘ Sable, 6 Swallows (3, 2, and 1, Argent.)  
‘ Crest on a Wreath, a Wolf passant, Argent.  
‘ Supporters, on the Dexter Side, a Lion guard-  
‘ ant Pean; on the Sinister Side, an Owl  
‘ rising, Argent; both crowned with Ducal Co-  
‘ ronets, Or. Motto, *Deo data.*

‘ Rowland Dormer, Baron Dormer of Wenge,  
‘ and Baronet.

*Creations.*

‘ Baronet 12 June, 13 Jac. 1. (1615.) and  
‘ Baron Dormer (of Wenge in Com’ Bucks) by  
‘ Patent 10 June, 13 Jac. 1. (1615.)

*Arms.*

‘ Azure, ten Billets, 4, 3, 2, and 1, Or.  
‘ On the Chief of the Second, a Lion passant,  
‘ Sable, anciently 3 Martlets in place of the  
‘ Lion. Crest, on a Wreath, a Falcon, Argent,  
‘ bequed and belled, Or, rising off a Glove ly-  
‘ ing in Fess, Argent. Anciently a Martin pas-  
‘ sant, proper, and sometimes the same between  
‘ two Wings. Supporters, two Falcons; The  
‘ Dexter, Or; the Sinister, Argent, both bequed  
‘ and belled, Gold. Motto, *Che dio vuole je*  
‘ *vuolo.*

‘ Henry Roper, Baron Tenham.

*Creations.*

‘ Baron Tenham (of Tenham in Com’ Cantii.)  
‘ by Patent 9 July, 14 Jac. 1. (1616.)

*Arms.*

‘ Parti per Fess, Azure and Or, a Pale and 3  
‘ Roe-Bucks Heads, erased counterchanged. Crest,  
‘ on a Wreath, a Lion rampant, Sable, holding  
‘ in his Dexter Paw a Ducal Coronet, Or. Sup-  
‘ porters, on the Dexter Side a Roe-buck, Or;  
‘ on the Sinister Side, a Tyger regardant, Argent.  
‘ *Spes mea in Deo.*

‘ William Grevile, Baron Brook of Beauchamps-  
‘ Court.

*Creations.*

‘ Baron Brook (of Beauchamps-Court in Com’  
‘ Warwick) by Patent 9 Jan. 18 Jac. 1. (1620.)

*Arms.*

‘ Sable, on a Cross within a Bordure both en-  
‘ grailed, Or, five Ogresses. Crest, out of a  
‘ Ducal Crown, Gules, a Swan rising, Argent,  
‘ bequed, Gules, which is Beauchamp’s Crest;  
‘ theirs properly, on a Wreath, a Greyhound’s  
‘ Head erased, Sable, collared and lined, Or.  
‘ Sometimes they bore a Garb, Or, banded,  
‘ Gules; and sometimes Willoughby’s Crest, *viz.*  
‘ the Bust of King Cann. Supporters, two Swans,  
‘ Argent, bequed, Gules, inembred, Sable;  
‘ gorged with Ducal Coronets, Gules. Motto, *Vix*  
‘ *ea nostra Voco.*

‘ Nevil Lovelace, Baron Lovelace of Hurley.

*Creations.*

‘ Baron Lovelace (of Hurley in Com’ Berks)  
‘ by Patent 31 May, 3 Car. 1. (1627.)

*Arms.*

‘ Gules, on a Chief indented, Sable, 3 Mart-  
‘ lets, Argent, a Mallet difference. Crest, on  
‘ a Wreath, a Trunk of a Tree raguled and lea-  
‘ ved, Vert, jacent, proper, with an Eagle dis-  
‘ play’d, Argent, perched on the same. Supporters,  
‘ two Pegisus purple, winged, Argent. Motto,  
‘ *Premium Virtutis honor.*

‘ Banister Maynard, Baron Maynard of Eslaines  
‘ parva, Baron Maynard of Wickloe, and Ba-  
‘ ronet.

*Creations.*

‘ Baronet 29 June, 9 Jac. 1. (1611.) Baron  
‘ Maynard of Wicklow by Patent 30 May, 18  
‘ Jac. 1. (1620.) [Irish Honour.] And Baron  
‘ Maynard (of Eslaines ad Turrin, otherwise called  
‘ Little Easton in Com’ Essex). Likewise by Let-  
‘ ters Patent 14 Mar. 3 Car. 1. (1627.)

*Arms.*

‘ Argent, a Chevron, Azure, between 3 Si-  
‘ nister Hands erected and couped at the Wrist,  
‘ Gules. Crest, on a Wreath, a Stag at gaze,  
‘ proper, attired and unguled, Or. Supporters,  
‘ on the Dexter Side, a Stag, proper, attired and  
‘ unguled, Or. On the Sinister Side an Hound,  
‘ Argent, and pyed Sable, collared Gules. Motto,  
‘ *Iusta manus Nardus.*

‘ Charles Bruce, Baron Bruce.

*Creations.*

‘ Baron Bruce (of Wharleton in Com’ Ebor’)   
‘ by Summons Jan. 10 Q. Ann (1711.) Place  
‘ here as his Father, by Patent 1 Aug. 17 Car. 1.  
‘ (1641.)

*Arms.*

‘ Arms, Crest and Supporters, the same as  
‘ his Father the Earl of Ailesbury, with a Label  
‘ of three Points in the Arms and about the  
‘ Necks of the Supporters.

Edward



‘ *Edward Leigh, Baron Leigh of Stoneley, and*  
‘ *Baronet.*

*Creations.*

‘ *Baronet 29 June, 9 Jac. I. (1611.) And*  
‘ *Baron Leigh (of Stoneley in Com’ Warwick) by*  
‘ *Patent 1 July, 19 Car. I. (1643.)*

*Arms.*

‘ *Gules, a Cross engrailed, Argent; On the*  
‘ *Dexter chief Point a Lozenge of the Second,*  
‘ *the Lozenge being a Cresure, and the Arms*  
‘ *properly those of Norley of Norley, their own*  
‘ *being that of Venables, Azure, two Barrs, Ar-*  
‘ *gent; differenced with a Bend Gabone, Or and*  
‘ *Gules. Crest, on a Wreath, an Unicorn’s Head*  
‘ *couped, Argent. Supporters, two Unicorns,*  
‘ *Or.*

‘ *William Byron, Baron Byron of Rockdale.*

*Creations.*

‘ *Baron Byron (of Rockdale in Com’ Lanc’) by*  
‘ *Patent 24 Octob’ 19 Car. I. (1643.) in Default*  
‘ *of Issue-Male to Brothers.*

*Arms.*

‘ *Argent, 3 Bendlets enhanced, Gules. Crest,*  
‘ *on a Wreath, a Syren holding up a Mirrour,*  
‘ *proper, and Combing her Locks, Or. Suppor-*  
‘ *ters, two Horses of a Chestnut colour. Motto,*  
‘ *Crede Byron.*

‘ *William Widdrington, Baron Widdrington of*  
‘ *Blankney, and Baronet.*

*Creations.*

‘ *Baronet 9 July, 18 Car. I. (1642.) and Bi-*  
‘ *ron Widdrington (of Blankney in Com’ Lin-*  
‘ *coln’) by Patent 10 Nov. 19 Car. I. (1643.)*

*Arms.*

‘ *Quarterly, Argent and Gules, a Bend, Sable.*  
‘ *Crest, on a Chapeau, Gules, lined, Ermine, a*  
‘ *Bull’s-head couped, Sable, befanted and armed,*  
‘ *Or: Anciently on a Wreath, a Wyvern with*  
‘ *two Heads, Argent, with Wings displayed, Or.*  
‘ *Supporters, two Roe-Bucks attired, Or.*

‘ *Attainted 2 K. George.*

‘ *John Colepeper, Baron Colepeper of Thores-*  
‘ *way.*

*Creations.*

‘ *Baron Colepeper (of Thoresway in Com’ Lin-*  
‘ *coln’) by Patent 21 Oct. 20 Car. I. (1644.)*

*Arms.*

‘ *Argent, a Bend engrailed, Gules. Crest, on*  
‘ *a Wreath, a Falcon, rising, Argent, bequed,*  
‘ *belled, &c. Or. Supporters, two Dragons, Ar-*  
‘ *gent, gorged with Ducal Coronets, Gules.*  
‘ *Motto, J’espere.*

‘ *Robert Sutton, Baron Lexington of Aram.*

*Creations.*

‘ *Baron Lexington (of Aram in Com’ Nottingham-*  
‘ *ham’) by Patent 21 Nov. 21 Car. I. (1645.)*

*Arms.*

‘ *Argent, a Canton, Sable. Crest, on a Wreath,*  
‘ *a Fox’s Head erased, Gules. Supporters, two*  
‘ *Foxes, Gules.*

‘ *Marmaduke Langdale, Baron Langdale of*  
‘ *Holme.*

*Creations.*

‘ *Baron Langdale (of Holme in Com’ Ebor’) by*  
‘ *Patent 4 Feb. 10 Car. 2. (1657.)*

*Arms.*

‘ *Sable, a Chevron between 3 Estoils, Argent.*  
‘ *Crest, on a Wreath, an Estoil, Sable. Sup-*  
‘ *porters, two Bulls, Sable, armed and maned,*  
‘ *Argent.*

‘ *William Berkeley, Baron Berkeley of Stratton.*

*Creations.*

‘ *Baron Berkeley (of Stratton in Com’ Somers-*  
‘ *set’) by Patent 19 May, 10 Car. 2. (1652.)*

*Arms.*

‘ *Gules, a Chevron, Ermine, between ten Crof-*  
‘ *ses formé (6 above and 4 below) Argent.*  
‘ *Crest, on a Wreath, an Unicorn passant, Ar-*  
‘ *gent, attired, Or. Supporters, two Savage*  
‘ *Men with their Clubs, all proper. Motto,*  
‘ *Pauca respexi pauciora despexi.*

‘ *Charles Cornwallis, Baron Cornwallis of Eye,*  
‘ *and Baronet.*

*Creations.*

‘ *Baronet 4 May, 3 Car. I. (1627.) and Ba-*  
‘ *ron Cornwallis (of Eye in Com’ Suffolk’) by Pa-*  
‘ *tent 20 Apr. 13 Car. 2. (1661.)*

*Arms.*

‘ *Sable, Gutté, Argent, on a Fefs of the Se-*  
‘ *cond 3 Cornish Choughs, proper. Crest, on a*  
‘ *Wreath, a Stag regardant, Argent, gorged*  
‘ *with a Chaplet vulved on a Mount, all proper.*  
‘ *Supporters, two Stags, Argent, attired Or,*  
‘ *and gorged with Chaplets, Vert. Motto, Vir-*  
‘ *tus Vincit Invidiam.*

‘ *Nathaniel Crew (Bishop of Durham) Baron*  
‘ *Crew of Stene.*

*Creations.*

‘ *Baron Crew (of Stene in Com’ Northampton)*  
‘ *by Patent 20 Apr. 13 Car. 2. (1661.)*

*Arms.*



*Arms.*

‘ *Azure*, a Lion rampant, *Argent*, with a  
‘ *Crescent* for difference; their ancient Coat was  
‘ *Gules*, semi de Cinquefoils, *Argent*, and fretté,  
‘ *Or*. Crest out of a Crown, *Or*, a Lion’s  
‘ *Camb* erect, *Argent*. Supporters, on the Dexter  
‘ Side, a Lion, *Argent*, gorged with a Collar,  
‘ *Azure*, charged with 3 Besants. On the Si-  
‘ nister Side, a Griffin, *Sable*, winged, bequed  
‘ and membred, *Argent*.

‘ *John Arundel*, Baron *Arundel* of *Trerice*.

*Creations.*

‘ Baron *Arundel* (of *Trerice* in *Com*)  
‘ by Patent 23 *Mar.* 16 *Car.* 2. (1664.)

*Arms.*

‘ Quarterly, 1, and 4, *Arundel*, viz. *Sable*,  
‘ 6 Swallows, 4, 3, 2, 1, *Argent*, 2 and 3 *Tre-*  
‘ *rice*, *Sable*, 3 Chevrans, *Argent*, which Quar-  
‘ tering hath sometimes been born in the  
‘ first Place, as the paternal Arms of *Arundel*.  
‘ Crest, on a Cheapeau, *Gules*, lined *Ermine*,  
‘ a Swallow, *Argent*. Supporters, two Panthers,  
‘ proper.

‘ *William Craven*, Baron *Craven*.

*Creations.*

‘ Baron *Craven* (of *Hampsted-Marshal* in *Com*  
‘ *Berks*) by Patent 11 *Dec.* 17 *Car.* 2. (1665.)  
‘ *William* Earl of *Craven* had then a further En-  
‘ tail of the Barony.

*Arms.*

‘ *Argent*, a Fess between 6 Cross-Crosets,  
‘ Fitché, *Gules*, quartering, *Or*, 5 *Fleur-de-*  
‘ *Lys* in Cross, *Sable*, a Chief under, *Azure*,  
‘ both by that Name. Crest, on a Chapeau,  
‘ *Gules*, lined *Ermine*, a Griffin passant, *Ermine*.  
‘ Supporters, two Griffins, *Ermine*. Motto, *Vir-*  
‘ *tus actione consistit*.

‘ *Hugh Clifford*, Baron *Clifford* of *Chudleigh*.

*Creations.*

‘ Baron *Clifford* (of *Chudleigh* in *Com* *Devon*)  
‘ by Patent 22 *Apr.* 24 *Car.* 2. (1672.)

*Arms.*

‘ Chequy, *Or* and *Azure*, a Fess, *Gules*,  
‘ with a *Crescent* for difference. Crest, out of a  
‘ Crown Ducal, *Or*, a Wyvern rowfant, *Gules*.  
‘ Supporters, on the Dexter Side a Wyvern,  
‘ *Gules*. On the Sinister Side a Marmoset, pro-  
‘ per, chained, *Or*. Motto, *Semper paratus*.

‘ *Peregrine-Hyde Osborne*, Baron *Osborne*  
‘ (ulph. Marquiss of *Carmarthen*) as Son and  
‘ Heir apparent to the Duke of *Leeds*.

*Creations.*

‘ Baron *Osborne* (of *Keeton* in *Com* *Ebor*) by  
‘ Summons ult. *Q. Anne* (1714.) originally by  
‘ Patent of his Grandfather 15 *Aug.* 25 *Car.* 2.  
‘ (1673.)

*Arms.*

‘ Arms, Crest and Supporters the same as his  
‘ Father the Duke of *Leeds*, with a Label of 3  
‘ Points in the Coat, and on the Necks of the  
‘ Supporters for a Difference.

‘ *Richard Lumley* (Son and Heir apparent to  
‘ the Earl of *Scarborough*) Baron *Lumley*.

*Creations.*

‘ Baron *Lumley* (of *Lumley-Castle* in *Com*  
‘ *Derbys*) by Summons 1 *K. Geo.* (1714.)  
‘ originally by Patent of his Father 31 *May*,  
‘ 33 *Car.* 2. (1631.)

*Arms.*

‘ Arms, Crest and Supporters, the same as his  
‘ Father, the Earl of *Scarborough*, with a Label  
‘ of 3 Points on the Coat, and on the Necks of  
‘ the Supporters for difference.

‘ *John Carteret*, Baron *Carteret* of *Hawnes*,  
‘ and Baronet.

*Creations.*

‘ Baronet 9 *May*, 21 *Car.* 1. (1645.) Baron  
‘ *Carteret* (of *Hawnes* in *Com* *Bedford*)

*Arms.*

‘ *Gules*, four Fusils in Fess, *Argent*, a *Cres-*  
‘ cent for difference. Crest, on a Wreath, a  
‘ Squirrel, *Gules*, seiant on a Nut-branch, proper,  
‘ cracking a Nut, *Or*. Supporters, two Bucks,  
‘ *Gules*, winged and attired, *Or*. Motto, *Loyal*  
‘ *devoir*.

‘ *William Stawel*, Baron *Stawel* of *Somerton*.

*Creations.*

‘ Baron *Stawel* (of *Somerton* in *Com* *Somerset*)  
‘ by Patent 15 *Jan.* 34 *Car.* 2. (1682.)

*Arms.*

‘ *Gules*, a Cross of Fusils, *Argent*. Crest, on  
‘ a Chapeau, *Gules*, lined *Ermine*, a Bird rising,  
‘ *Argent*. Supporters, two Satyrals, *Argent*,  
‘ armed, maimed, &c. *Or*, Faces proper. Motto,  
‘ *En parole Je suis*.

‘ *Francis North*, Baron of *Guilford*.

*Creations.*

‘ Baron *Guilford* (of *Guilford* in *Com* *Surrey*)  
‘ by Patent 27 *Sept.* 25 *Car.* 2. (1683.)

*Arms.*

‘ The Coat and Crest the same as the Baron  
‘ *North* and *Grey*, with a *Crescent* for difference.  
‘ T Supporters-



• Supporters, two Mastiffs, *proper*. Motto, *Animo & Fide*.

• *James Waldegrave*, Baron *Waldegrave* of *Cheuton*, and Baronet.

#### Creations.

• Baronet 1 Aug. 19 Car. 1. (1643.) And Baron *Waldegrave* (of *Cheuton* in Com' *Somerset*) by Patent 20 Jan. 1 Jac. 2. (1685.)

#### Arms.

• *Parti per pale*, *Argent* and *Gules*, a Roundle counterchanged for difference; which Roundle hath of late been disused. Crest, out of a Crown, Or, a Plume of Feathers per pale, *Argent* and *Gules*. Supporters, two Talbots, *Sable*, eared, Or; and gorged with Mural Coronets, *Argent*.

• *John Ashburnham*, Baron *Ashburnham* of *Ashburnham*.

#### Creations.

• Baron *Ashburnham* (of *Ashburnham* in Com' *Suffex*) by Patent 30 May, 1 Will' & Mar' (1689.)

#### Arms.

• *Gules*, a Fess between 6 Mulletts, *Argent*. Crest, out of a Ducal Coronet, Or, an Ash-tree, *proper*. Supporters, two Greyhounds, *Sable*, collared and lined, Or. Motto, *Le Roy & L'estat*.

• *Thomas Farmer*, Baron *Lempster* alias *Leominster*, and Baronet.

#### Creations.

• Baronet 6 Sept. 17 Car. 1. (1641.) And Baron *Lempster* (of *Lempster* in Com' *Hereford*) by Patent 12 Apr. 4 Will' & Mar' (1692.)

#### Arms.

• *Argent*, a Fess, *Sable*, between three Lions heads erased, *Gules*; anciently on the Fess three Anchors, Or. Crest, on a Wreath, a Cock's head erased, *Gules*, bequed, Or. Supporters, two Lions rampant, *proper*. Motto, *Hora è sempre*.

• *Charles Butler*, Earl of *Arran*, Viscount *Tullogh*, Baron *Butler* of *Weston*, and Baron of *Clogbrenan*.

#### Creations.

• Baron *Butler* (of *Weston* in Com' *Hertford*) by Patent 23 Jan. 5 Will' & Mar' (1693.) [*English Honour*.] Baron of *Clogbrenan*, Viscount and Earl, Will' & Mar' ( ) [*Irish Honours*.]

#### Arms.

• Arms, Crest and Supporters, the same as his Brother the late Duke of *Ormond*; a Crescent difference.

• *Henry Herbert*, Baron *Herbert* of *Cherbury*.

#### Creations.

• Baron *Herbert* (of *Cherbury* in Com' *Salop*) by Patent 28 Apr. 6 Will' & Mar' (1694.)

#### Arms.

• *Per pale*, *Azure* and *Gules*, 3 Lions rampant, *Argent*, armed and langued, *Gules*. Crest, on a Wreath, 6 Arrows, 3 and 3 in Saltire, Or, plumed, &c. *Argent*, banded *Gules*, *Aliter*, a Wyvern, *proper*; in his Mouth an Hand couped at Wrist, *Gules*. Supporters, two Lions; that on the Dexter Side, Or, Semi of Roses, *Gules*; That on the Sinister, *Azure*, *Semi de Fleurs-de-Lys*, Or. Motto, *Fortitudine & Prudentia*.

• *Maurice Thompson*, Baron *Haversham* of *Haversham*, and Baronet.

#### Creations.

• Baronet 12 Dec. 25 Car. 2. (1673.) And Baron *Haversham* (of *Haversham* in Com' *Bucks*) by Patent 4 May, 8 Will. 3. (1696.)

#### Arms.

• Or, on a Fess dancetté, *Azure*, 3 Estoils, *Argent*, on a Canton of the the Second, a Sun in Glory, *i. e. proper*. Crest on a Wreath, a Cubit Arm vested, *Gules*, holding three Ears of Wheat, Or. Supporters, two Eagles close, *proper*. Motto, *In (anciently Sub) lumine Lucem*.

• *John Somers*, Baron *Somers* of *Evesham*.

#### Creations.

• Baron *Somers* (of *Evesham* in Com' *Wigorn*) by Patent 9 Will. 3. (1697.)

#### Arms.

• *Vert*, a Fess dancetté, *Ermine*; sometime quartering per Cross, *Vert* and *Gules*, a Fess dancetté, *Ermine*, in Chief, a Lion passant between two Martlets, *Argent*, both by the Name of *Somers*. Crest, on a Wreath, a Trophy of a Coat of Armour, *Argent*, encircling the Trunk of a Bay-tree, *proper*. Supporters, two Lions, *Ermine*, gorged with Bars dancetté, *Vert*. Motto, *Prolesse quam conspice*.

• *Christopher Vane*, Baron *Barnard* of *Barnard-Castle*.

#### Creations.



*Creations.*

‘ Baron *Barnard* ( of *Barnard-Castle* in *Com’ Dunelm’* ) by Patent 8 July, 10 Will’ 3. ( 1698. )

*Arms.*

‘ *Azure*, 3 Left-hand Gauntlets erect, Or. Crest, on a Wreath, a Gauntlet erect, *proper*, holding a Sword, *Argent*, hilted, Or. Supporters, None.

‘ *John-Leveson Gower*, Baron *Gower* of *Stittenham*.

*Creations.*

‘ Baron *Gower* ( of *Stittenham* in *Com’ Ebor’* ) 7 Mar. 2. Q. Anne ( 1702. )

*Arms.*

‘ Quarterly, 1, and 4, Barry of Eight, *Argent* and *Gules*; over all a cross Patonce, *Sable*, by the Name of *Gower*; 2 and 3, *Azure*, 3 Leaves erect, Or, for *Leveson*. Crest, on a Wreath, a Gower, i. e. a Wolf passant, *Argent*, collared and lined, Or. Supporters, two Gowers, *Argent*, collared and lined, Or. Motto, *Flectes non frangas*.

‘ *Francis-Conway Seymour*, Baron *Conway* of *Conway* in *Killultagh*.

*Creations.*

‘ Baron *Conway* ( of *Ragley* in *Com’ Warw’* ) by Patent 7 Mar. 2 Q. Anne ( 1702. ) in default of Heirs-Male, Remainder to a Brother [ *Engl’b Honours*. ] Baron *Killultagh*, by Patent. [ *Irish Honour*. ]

*Arms.*

‘ *Sable* on a Bend, Or, cottised, *Argent*, a Rose *Gules*, between two Annulets, *Sable*, which is *Conway*. Their proper Arms being that of *Seymour*, viz. Quarterly, 1, and 4, an Augmentation, viz. Or, on a Pile, *Gules*, in it 6 *Fleurs-de-Lys*, *Azure*, 3 Lions of *England*. 2 and 3, *Gules*, a Pair of Wings conjoined in Lure, Or. Crest, that of *Conway*, viz. on a Wreath, a Blackamore’s Head, side-faced, coupéd and wreathed about the Temples, *Argent* and *Sable*. Supporters, two Moors properly habited, lying their off Hinds on antique Shields, *en cartouche*, *Azure*; on the Dexter Shield, the Sun; on the Sinister a Crescent, *Argent*. Motto, *Fide & Amore*.

‘ *William Cowper*, Baron *Cowper* of *Wingham*.

*Creations.*

‘ Baron *Cowper* ( of *Wingham* in *Com’ Cantii* ) by Patent 29 Dec. 5 Q. Anne ( 1706. )

*Arms.*

‘ *Argent*, 3 Martlets, *Gules*, on a Chief engrailed, of the Second as many Annulets, Or.

‘ Crest, on a Wreath, a Lion’s Gamb erased, *Gules*, grasping a Hawthorn Branch fructed, *proper*. Supporters, two Horses, *dunn*; their Tails and Mains dock’d. Motto, *Tuum est*.

‘ *Simon Harcourt*, Baron *Harcourt* of *Stanton-Harcourt*.

*Creations.*

‘ Baron *Harcourt* ( of *Stanton-Harcourt* in *Com’ Oxon’* ) by Patent 3 Sept. 10 Q. Anne ( 1711. )

*Arms.*

‘ *Gules*, two Barrs, Or. Anciently, Or, two Barrs, *Gules*. Crest, out of a Ducal Coronet, Or, a Peacock, *proper*. Supporters, two Lions, Or, gorged with two Barrs, *Gules*. Motto, *Le Bon Temps viendra*.

‘ *Charles Boyle* Earl of *Orrery*, Baron of *Brogbil*, and Baron *Boyle* of *Marlton*.

*Creations.*

‘ Baron *Boyle*, of *Brogbil* 28 Feb. Car. 1. ( 1627. ) Earl of *Orrery* 5 Sept. 12 Car. 2. ( 1627. ) [ *Irish Honours*. ] Baron *Boyle* ( of *Marlton* in *Com’ Somerset’* ) by Patent 10 Sept. 10 Q. Anne ( 1711. ) [ *English Honours*. ]

*Arms.*

‘ The same Arms, Crest and Supporters as the Earl of *Burlington*, with a Crescent difference. Motto, *Honor Virtutis premium*.

‘ *George Hay*, Baron *Hay* of *Pedwarden*, commonly called Viscount *Duplin*, as Son and Heir apparent to the Earl of *Kenoul*, Viscount *Duplin* in *Scotland*.

*Creations.*

‘ Baron *Hay* ( of *Pedwarden* in *Com’ Heref’* ) by Patent 31 Dec. 10 Q. Anne ( 1711. )

*Arms.*

‘ Quarterly, 1 and 4, an Augmentation, viz. *Azure*, an Unicorn rampant, *Argent*, a Bordure, Or, Verdoy of Thistles, *proper*; 2 and 3, *Argent*, 3 Escallocons, *Gules*; over all a Label difference. Crest, on a Wreath, the Bust of a Country-man vested . . . holding a Yoke over his Shoulders. Supporters, two Country Youths vested, Grey Westcoats, *Gules*, Bonnets, *Azure*; that on the Dexter Side holding in his Off-hand a Plough-share; that on the Sinister Side, a Knife. Motto, *Revocate animos*.

‘ *Thomas Windsor*, Viscount *Windsor* of *Blank-Castle*, and Baron *Montjoy* of the *Isle of Wight*.

*Creations.*

‘ Viscount *Windsor* ( of *Blankcastle* ) by Patent 19 June, 11 Will’ 3. ( 16 . . ) [ *Irish Honour*. ] Baron *Montjoy* ( of the *Isle of Wight* ) by Patent, 1 Jan. 10 Q. Anne ( 1711. )



## Arms.

‘ Same as his Nephew the Earl of *Plymouth*, viz. *Gules*, a Saltire, *Argent*, between 12 Crosslets, *Or*, with a Crescent for difference. Crest, on a Wreath, a Buck’s-head guardant, *Argent*; attired, *Or*. Supporters, two Angels proper, vested *Gules*, winged, *Argent*, crined, *Or*. Formerly on the Dexter Side an Unicorn, *Argent*, attired, maimed, and unguled, *Or*; and on the Sinister Side a Wolf, *Sable*. Motto, *Stemmatibus quid faciunt*.

‘ *Thomas Willoughby*, Baron Middleton of Middleton, and Baronet.

## Creations.

‘ Baronet 7 Apr. 29 Car. 2. (1677.) Baron Middleton (of Middleton in Com’ *Warw*.) by Patent 1 Jan. 10 Q. Anne (1711.)

## Arms.

‘ Quarterly, 1 and 4, *Or*, fretté, *Azure*, for Willoughby (in Com’ *Cantii*.) His Paternal Arms 2 and 3, *Or*, on two Bars, *Gules*, three Water-burgs 2 1, *Argent*, for Willoughby of Wolloughton (in Com’ *Not.*.) Crest, on a Wreath, the Bust of King *Cann*, proper; crined, *Sable*, crown’d, *Or*, as Willoughby of *Parham*. Supporters, on the Dexter Side a Fryar with his Hermit’s Staff and Beads; on the Sinister, a Savage Man, proper, each holding in his Off-hand a Banner, *Gules*, charged with Willoughby of Wolloughton’s Crest, viz. an Owl, *Argent*, crowned, collared, and chained, *Or*. Motto, *Apprendre & tenir*, Wolloughton’s Motto. Sometimes, *Verite sans peur*, *Parham*’s Motto.

‘ *Thomas Trevor*, Baron Trevor of Bromham.

## Creations.

‘ Baron Trevor (of Bromham in Com’ *Bedford*.) by Patent 1 Jan. 10 Q. Anne (1711.)

## Arms.

‘ Parti per Bend Sinister *Ermine* and *Ermines*, a Lion rampant, *Or*. Crest, on a Chapeau, *Gules*, lined, *Ermine*, a Wyvern, *Sable*. Supporters, two Wyverns regardant, *Sable*.

‘ *George Granville*, Baron Lansdown of Biddisford.

## Creation.

‘ Baron Lansdown (of Biddisford in Com’ *Devon*.) by Patent 1 Jan. 10 Q. Anne (1711.)

## Arms.

‘ *Gules*, 3 Clarions, *Or*. Crest, on a Chapeau, *Gules*, lined, *Ermine*, a Griffin passant, *Or*; anciently, a Clarion, *Or*. Supporters, two Griffins, *Or*. Motto, *Deo & Patriæ*.

‘ *Samuel Masbam*, Baron Masbam of Oles.

## Creations.

‘ Baron Masbam (of Oles in Com’ *Essex*.) by Patent 1 Jan. 10 Q. Anne (1711.)

## Arms.

‘ *Or*, a Fess humet, *Gules*, between two Lions passant, *Sable*, a Label of 3 Points for difference. Crest, on a Wreath, a Griffin’s Head couped between two Wings, *Gules*; anciently the Head per pale, *Or* and *Gules*, bequed and barbed, *Azure*, and the Wings, *Or*, each charged with a Billet, *Azure*; and sometimes a Gem-Ring, *Azure*, in the Beak. Supporters, on the Dexter Side, a Lion, *Sable*; on the Sinister Side, a Leopard guardant, proper, both crown’d with antique Crowns. Motto, *Michi Jussa Capessere*.

‘ *Thomas Foley*, Baron Foley of Kidderminster.

## Creations.

‘ Baron Foley (of Kidderminster in Com’ *Wilt.*.) by Patent 1 Jan. 10 Q. Anne (1711.)

## Arms.

‘ *Argent*, a Fess engrailed between 3 Cinquefoils within a Bordure, *Sable*, which Bordure of late is disused; anciently, the Fess plain and *Ermines*. Crest, on a Wreath, a Lion passant, holding a Shield of the Arms. Supporters, two Lions, *Argent*, Semi de Cinquefoils, *Sable*. Motto, *Ut profim*.

‘ *Alan Bathurst*, Baron Bathurst of Battlefden.

## Creations.

‘ Baron Bathurst (of Battlefden in Com’ ) by Patent 1 Jan. 10 Q. Anne (1711.)

## Arms.

‘ *Sable*, two Bars *Ermine* in Chief, 3 Crosses pattee, *Or*. Crest, on a Wreath, an Arm embowed in antick Mail, holding in a Hand, all proper, a spiked Club, *Or*. Supporters, two Bucks, *Argent*, and collared, with two Bars, *Ermines*.

‘ *Robert Benson*, Baron Bingley of Bingley.

## Creations.

‘ Baron Bingley (of Bingley in Com’ *Ebor*.) by Patent Q. Anne, (1713.)

## Arms.

‘ *Argent*, 3 Trefoils in Bend, *Sable*, between two Bendlets, *Gules*. Crest, on a Wreath, a Bear’s Head, *Argent*, muzzled, *Gules*. Supporters, two Bears, *Argent*.

‘ *Bennet Sherrard*, Baron Harborough of Harborough, and Baron Letrim.

## Creations.



*Creations.*

Baron Sherrard (of Letrim) 10 July, 3 Car. I.  
(1633) Baron Harborough (of Harborough in  
Com' Leiceſt') by Patent 1 K. Geo. (1714.)

*Arms.*

Argent, a Chevron, Gules, between 3 Tor-  
teauxes. Crest, on a Wreath, a Peacock's Tail  
crest, proper; anciently the ſame charged with  
a Feſs checquy, Or and Azure, and iſſuing out  
of Clouds, proper. Supporters, two Rams,  
Argent, attired and unguled, Or. Motto, Ho-  
noris hoſtis Invidia.

Henry Boyle, Baron Carleton of Carleton.

*Creations.*

Baron Carleton (of Carleton in Com' Ebor')  
by Patent 1 K. Geo. (1714.)

*Arms.*

The ſame as his Nephew the Earl of  
Burlington, viz. per Bend crenellè, Argent  
and Gules, with a Creſcent for difference.  
Crest, out of a Crown, Or, a Lion's Head,  
Gules per pale, Argent and Gules, collared,  
with a Feſs checquy, Or and Azure. Suppor-  
ters, two Lions; that on the Dexter, per pale  
Crenellè, Gules and Argent; that on the Si-  
niſter, per pale Crenellè, Argent and Gules, and  
both collared as in the Crest.

Richard Temple, Baron Cobham, and Baronet.

*Creations.*

Baronet, 22 May, 9 Jac. I. (1611.) Baron  
Cobham (of Cobham) by Patent, 1 K. Geo.  
(1714.)

*Arms.*

Quarterly, 1 and 4, Or, an Eagle diſplay'd,  
Sable, 2 and 3, Argent, on two Bars, Sable, Six  
Martlets, Or; anciently, Sable, a Chevron, Er-  
mine, between three Martlets, Argent. Crest,  
on a Ducal Crown, a Martlet, Or; anciently on  
a Wreath, a Talbot ſeiant, Sable, collared, Or.  
Supporters, On the Dexter Side a Lion per Feſs,  
Or and Gules; On the Sinifter Side an Horſe,  
Argent, Semi de Eagles diſplay'd, Sable. Motto,  
Templa quam dilecta.

Thomas Coningsby, Baron Coningsby of Co-  
ningsby in Com' Line.

*Creations.*

Baron Coningsby of Coningsby, by Patent  
8 June (1716.) 2<sup>d</sup> of His preſent Maſteſty  
K. George.

*Arms.*

Gules, 3 Conies ſeiant, Argent.

His Lordſhip's Atchievement is not ſettled, ſo that  
I cannot give his Supporters, nor thoſe of the  
following Peers.

Richard Onflow, Baron Onflow of Onflow-  
Hall in Com' Salop, and Baronet.

*Creations.*

Baronet . . . . . Baron Onflow of Onflow,  
by Patent 9 June (1716.) 2 of K. Geo.

*Arms.*

Argent, a Feſs, Gules, between 6 Corniſh  
Choughs, proper. Some Books give them as  
young Hawks, and I believe they are ſo.

Richard Newport, Baron Torrington, in the  
County of Devon.

*Creations.*

Baron Torrington (in Com' Devon') by Patent  
June 20. 2 K. Geo. (1716.)

*Arms.*

Argent, a Chevron, Gules, between three Leo-  
pards Faces, Sable; with a Creſcent diffe-  
rence.

William Cadogan, Lord Cadogan, and Baron  
of Reading in Com' Berks.

*Creations.*

Lord Cadogan, and Baron of Reading, by  
Patent June 21. (1716.) 2 K. Geo.

*Arms.*

Robert Marſham, Baron of Romney in the  
County of Kent, and Baronet.

*Creations.*

Baronet, Baron  
of Romney, 22 June, 2 K. Geo. (1716.)

*Arms.*

Argent, a Lion paſſant in Bend, Gules, be-  
tween two Bendlets, Azure. Crest, a Lion's  
Head creſted, Gules.

George Cholmondeley, Baron Newburgh of  
Newburgh in Com' Angleſea, and Baron New-  
borough of Newborough in the Kingdom of Ire-  
land.

*Creations.*

Baron Newborough of Newborough. . . [Irish  
Honour.] Baron Newburgh of Newburgh, July  
10. (1716.) 2 K. Geo. [an Engliſh Honour.]

*Arms.*

Gules, two Helmets in Chief, Argent, and in  
Baſe a Garb, Or, with a proper Difference. His  
Lordſhip hath Supporters as a Peer of the King-  
dom of Ireland; but they are not yet entered in  
the Herald's Office here.





O F T H E

# QUEEN CONSORT,

A N D O F

# NOBLE WOMEN.

## C H A P. XIII.



QUEEN, so called from the Saxon word *Cuningine*, as the King from *Cuning* (by Variation of Gender only, as was their manner) signifieth Power and Knowledge, and thereby denotes the Sovereignty due unto them which they enjoyed in those Days, and do now in most Nations, being capable of the Royal Diadem, by the common Right of Inheritance, for want of Heirs Male. But in *France*, by the Salique Law, the Sex is excluded from their Inheritance, by which they debarred the *English* Title to their Crown.

There are three kinds of Persons capable of the Title and Dignity of Queen amongst us, and each of them different in Power and Privilege. The First is a Queen Sovereign, to whom the Crown descends by Birth-right, and is equal in Power to a King, as before noted. She is her Husband's Sovereign, and he her Subject in *England*, although he were an Emperor : So was King *Philip* of *Spain* to Queen *Mary* ; and her Authority is included in the foregoing Chapter of Monarchy, and therefore need not to be here repeated. The Second in Honour is the Queen Consort ; and the Third the Queen Dowager or Queen Mother.

As from the benign Influence of the glorious Planet the Sun, all Creatures (by God's Decree in the order of Nature) receive Life and Motion ; so from the King (God's Vicegerent on Earth) all Degrees of Nobility take their Advance and Dignity : 'Tis therefore requisite the King should as far excel his Subjects in Majesty and Splendor, as doth the Sun the other Planets. And as the Moon is the Mirror of the Sun, representing his Glory by Night ; so the Queen Consort, the Counterpart of the Royal Majesty, shines amongst us, for whom, and for whose Posterity the Nation is bound to send up their Prayers to God.

The Queen of *England*, during the Life of the King, hath as high Prerogatives and Privileges, and liveth in as great State as any Queen in *Europe*. She is reputed the second Person in the Kingdom ; and the Law setteth so high a value upon her, as to make it High Treason to conspire her Death, or to violate her Chastity.

She is allowed Regal Robes, Ornaments and a Crown of the same Form as an absolute Queen weareth, and may be (as formerly they were) crowned with Royal Solemnity ; the Performance of which Office properly belongeth to the Archbishop of *York*. And although their Coronations of late have been disused, yet they have as much Honour,



Honour, and enjoy the same Priviledges, as if that Ceremony had been done. And the Manner and Solemnity at the Coronation of a Queen is at large set down in most of our Chronicles, and in particular in *Holinshed* and *Stow*, upon the splendid Coronation of *Anna Bulloign* in the Reign of King *Henry* the Eighth, to which I refer the Reader.

The Queen is permitted to sit in State by the King, and to keep a distinct Court from the King's, although she be the Daughter of a Nobles; and hath her Courtiers in every Office, as hath the King (though not altogether so many;) and hath her Yeomen of her Guard to attend her on foot, and within doors, and her Lifeguard of Horse for her State and Security when she goeth abroad: She hath her Attorney, Solicitor, and Council for the management of her Law Concerns, who have great respect shewed them, being placed within the Barr with the King's Counsel in all Courts of Judicature.

Although she be an Alien, and a Feme Covert during the King's Life, yet without any Act of Parliament for Naturalization, or Letters Patents for her Denization, she may purchase Lands in Fee-simple; make Leases in her own Name without the King; hath Power to give, to sue, and to contract Debts, which by the Law is denied any other Feme Covert; she may not be impleaded till first petitioned; nor is the formality of fifteen Days Summons to the Defendant needful if she be Plaintiff; nor can she be amerced if she be Nonsuited in any Action; she may present by her self to a Spiritual Benefice.

Anciently the Queens had a Revenue called *Aurum Regina*, that is the Queen's Gold, which was the tenth part of what came to the King by the Name of *Oblata* upon Pardons, Gifts, &c. but of late they keep to their Dowry, viz. Forty thousand Pounds *per Annum*, besides Fines upon the renewing of Leases; which said Dowry is as large as any Queens in Christendom.

The like Honour and Respect that is due to the King is exhibited to the Queen, as well by Foreigners as by the King's Subjects; as is also to the Queen Dowager, who loseth not her Dignity or Reverence, although she should marry a private Gentleman, as did Queen *Katherine*, Widow to King *Henry* the Fifth, who after she was married to *Owen Tudor*, Esquire, maintained her Action at Law as Queen of *England*.

The Queen Dowager takes place next to the Queen Consort, and in the absence of the King her Son, or in his Minority, is sometimes made Queen Regent, or Protectress; but this Trust is usually by the King's own Command, or at the request of the three States assembled in Parliament, to prevent the Danger of an Usurpation of the Crown: The like Trust is sometimes imposed upon the Queen Consort in her Husband's absence, as by King *Henry* the Eighth twice during his Wars in *France*.

Note, That during the Minority of the King of *England*, whatsoever Laws are enacted in Parlia-

ment under a Queen Regent, or a Protectress, are no longer binding than till the King attains to full Age, after which he may revoke and make void by his Letters Patents under the Great-Seal.

The Daughters of the Kings of *England* are all stiled Princesses. The eldest is called the Princess Royal, and hath an Aid or certain Rate of Money paid by every Tenant *in Capite*, Knights Service, and Soccage, towards her Marriage Portion, as was levied by King *James* when he married the Princess *Elizabeth*; and to violate her Chastity is by the Law adjudged High-Treason.

Of Noble Women.

WOMEN in *England*, according to their Husbands Qualities, are either Honourable and Noble, or Ignoble. Their Honourable Dignities are Princesses, Dutcheesses, Marchionesses, Countesses, Viscountesses, and Baronesses.

The Nobles (as the *French* call them) are all Knights Ladies, who in all Writings are stiled Dames; all Esquires and Gentlemens Wives only Gentlewomen.

The third sort comprehends the *Plebeans*, and are commonly called Goodwives.

Noble Women are so by Creation, Descent, or Marriage.

Of Women Honourable by Creation are divers Examples, of which the first (as I remember) that we read of, was *Margaret* Countess of *Norfolk*, created by *Richard* the Second Dutcheess of *Norfolk*. And many of them had their Honours granted by Patents to themselves, and the Heirs Males of their Bodies to be begotten, with special Clauses that their Heirs Male shall have Voices in Parliament, Creation-Money, their Mothers Titles; as if a Dutcheess, he a Duke; and if a Countess, he an Earl, with the Ceremony of Mantle, Surcoat, Coronet, &c. The like Grant was to *Anna Bullen* when she was created Marchioness of *Pembroke* by *Henry* the Eighth. As was the Lady *Margaret*, Daughter to *George* Duke of *Clarence*, created Countess of *Salisbury* by the said King. Thus also the Duke of *Buckingham*, in the Time of King *James* I. and the Lady *Elizabeth Finch*, being by King *James* created Viscountess *Maidstone*, was by King *Ch. I.* created Countess of *Winchelsea*; the Dignity entailed on the Heirs Males of her Body begotten: Thus was the Lady *Jane Richardson*, Wife to Sir *Thomas Richardson*, Lord Chief Justice, created Baroness of *Cramont* in *Scotland* by *K. Ch. I.* Not to say any thing of the Lady *Mary Fane*, Baroness *Despencer*, or of the Lady *Margaret Lennox*, Baroness *Dacres* of the South, being Restitutions rather than Creations.

In our Age we have divers Noble Ladies advanced to Degrees of Honour, viz. the Countess of *Guilford*, Groom of the Stole to the Queen Mother, and a faithful Servant to her in her Banishment, being then Countess of *Killmeak* in *Ireland*: The Lady *Dudley*, Dutcheess *Dudley*.

The



The celebrated Beauties, *Barbara Villiers*, Dutches of *Cleveland* and Countess of *Southampton*; and *Louyse Rene Angelique de Carwell*, Dutches of *Portsmouth*, Countess of *Petersfield*, &c.

Of Titles by Descent and Marriage there are Examples enough, so that I need not trouble the Reader with any repetition; I shall only set down some few general Observations not sufficiently discoursed of.

If a King's Daughter marry a Duke or an Earl, *illa semper dicitur Regalis*, by Law and Courtessie.

Noble Women by Descent, Birthright, or Creation, remain Noble although they marry Husbands under that Degree. Also any Daughter of an Earl or Viscount that continues a Virgin, or marrieth an Esquire, yet she retaineth the Honour that sprung from her Parents, and shall take Place accordingly, and be saluted by the Title of Lady.

If a Gentleman, Knight, or Peer marry a Wife of ignoble Parents, she shall enjoy the Title, Name and Dignity of her Husband, not only during his Life, but when she is a Widow, or afterwards married to an ignoble Person; but this is by the Courtessie (and not by the Law) of the Realm. Whereas on the contrary, let a Woman of Blood and Coat-Armour marry a Yeoman or Churle that is Ignoble, and hath no Coat-Armour, his Condition in point of Honour is in no respect advanced, and she shall retain the Honour, State and Dignity she was born unto: Yet if she have Issue by that Yeoman or ignoble Person, she being an Heiress, that Issue shall have liberty to bear her Coat; but Sir *John Fern* saith only for Life, and that on a Lozenge Shield, with a Difference of a Cinquefoil.

If a *French*, *Spanish*, or other Woman Alien, be married to a Peer of the Realm, or to a Gentleman, and be not denized, she is debarred all Priviledges and Titles due to her Husband; nor can she claim any Dower or Jointure from him by the Laws of *England*.

Yet in some things our Laws are wonderful kind to the Female Sex, especially *procreandi causa*: As thus; if a Man and his Wife separate for some Fraud, or private Loathing of the Marriage Bed, or the like, and so continue for some Years; after which time the Woman bringeth forth a Child, which though got by another Man, and her Husband in all that time not having enjoyed her, yet if he live in the Kingdom he must Father the Child; and if before that time he had no Child, that shall inherit his Lands, if entailed, or left without Will. Also if a Wife be with Child when her Husband dieth, and she marry another Man before her Delivery, the latter Husband must own the Child, which must be his Heir at Law if he were childless.

The Wife's Dignities and Lands descend to her Heirs, not to her Husband; yet to encourage him to play the Man, the Courtessie of *England* is such, that as the Wife hath the third part of his Estate in Lands for her Jointure, during

her Life if a Widow; so the Husband, if he get his Wife with Child, and that Child be heard to cry, he shall enjoy all her Lands during his Life.

The Wife can make no Contract whatsoever that shall stand good in Law, to the detriment of her Husband, without his consent; nor can she make a Will, or dispose of what she hath, whilst she is a Feme Covert; she cannot be produced as a Witness for or against her Husband; nor shall she be accessory to his felonious Acts, although she receive the Goods, or conceive the Fact, if she be not personally an Actor therein.

Female Children are also by Law capable to give their consent to Marriage at Seven Years old; and the Lord's eldest Daughter is to have Aid of his Tenants to marry her at that Age, though she may dissent from this Contract when she comes to Twelve; but if at that Age she doth not dissent, she is bound for Life: She may then make a Will, and dispose of Goods and Chattels by it. At Nine Years of Age she is Dowable: At Fourteen she might receive her Lands into her Hands, and was then out of Wardship, if she were Fourteen at the Death of her Ancestor; otherwise she was in Wardship till she accomplished Sixteen Years, and then she was free. At One and twenty she is enabled to contract or alienate her Lands by Will or otherwise.

If there be no Son, the Lands as well as Goods are equally divided amongst the Daughters, who are Co-heirs.

In ancient Times Women amongst the *Romans* were thought worthy of enjoying peculiar Favours and Respect. And out of their great love and honour to the Mother of *Marcus Coriolanus*, for diverting his Fury which he threatned the Citizens to their Ruin, for their Ingratitude towards him, the Citizens granted the *Roman Dames* the Priviledge of wearing the *Segmenta Aurea*, or Bordures of Gold and Purple on their Garments: They were also permitted to wear gold Ear-rings; to have place on the Way; and in Memorial of the said Preservation, there was erected a Temple dedicated to the Female Fortune.

*Anne* of *Britain*, Wife to *Charles* the Eighth of *France*, as an ornamental Honour to several deserving Ladies, instead of the Military Belt and Collar, bestowed on them a Cordon or Lacc, and admonishing them to live chastely and devoutly; and to put the greater esteem thereon, she surrounded her Escutcheon of Arms with the like Cordon; from which Example it is now become the Custom for unmarried Women to bear their Arms in form of a Lozenge, which are commonly adorned with such a Cordon.

*Joseph Micheli Marquez*, for the further Honour of the Female Sex, gives an Example of the Noble Women of *Tortosa* in *Arragon*, whom he calls *Cavallero's*, or *Knights*: For (saith he) *Don Raymond*, last *Earl* of *Barcellona* (who by right of his Wife *Petronilla*, sole Daughter and Heir to King *Ramiro* the Monk, joyned his Principality



to the Kingdom of Aragon) having in the Year 1149. taken from the Moors the City of Tortosa, who in a few Months after laid Siege to the said City, and reduced the Inhabitants to so great a Strait, that their Intentions were of surrendering it up to the Moors; but the Women bearing thereof, for the diverting their Ruin, put on mens Apparel, and by a resolute Sally forced the Moors to raise the Siege. And the Earl in acknowledgements of his Thanks for this beir Noble Act, as a reward of Honour, instituted an Order (not much unlike a Military Order) into which were admitted only those brave Women, and their Descendants. The Badge which he assigned them was something like a Fryar's Capouch, but of a Crimson Colour, which they wore upon their Head-clothes. Amongst the Privileges which this Earl granted them, they were to be freed from all Taxes; to have Precedency of Men in publick Meetings; and that all the Jewels and Apparel of their deceased Husbands should be their own, although of never so great Value. And these Women having thus purchased this Honour, departed themselves after the manner of Military Knights of those Days.

To look further back, ancient Histories take notice of the *Amazons*, whose Fame in Arms is sufficiently known.

Although Noble Women may not sit in Parliament, in respect of their Sex; yet they are in Law Peers of the Realm; and all or most of the Prerogatives before mentioned, which to the Noblemen are belonging, do appertain unto them.

But the Opinion of some Men have been, That a Countess, Baronesse, and other Women of great Estate, cannot maintain an Action upon the Statute *de Scandalis magnatum*, because the Statute 2 Ric. II. speaketh but of Prelates, Dukes, Earls, Bishops, and of the Chancellor, Treasurer, Privy-Seal, Steward of the King's Household, and other Nobles, great Officers of the Realm; by which words they conceive, that the Meanings of the Makers of that Statute was only to provide in that case for Noblemen, and not for Noble Women.

Also if any of the King's Servants within the Check-Roll do conspire the Death of any Noblewoman, it is not Felony within the compass of the Statute 3 Hen. VII. 18.

Honourable Women, as before noted, are of three Sorts, by Creation, by Descent, and by Marriage. And the King may create any Woman into any Title of Honour at his pleasure: and the King by his Letters Patents openly read in Parliament, without any other Investiture, did create *Mary Fane* Widow, the sole Daughter of Baron of *Aburgavenny*, *Baronesse de le Spencer*.

Noble Women by Descent are, either those to whom the Lands holden by such Dignity do descend as Heir, and they are said to be Honourable by Tenure; or by whose worthy Ancestors, to whom they were Heirs, was seized of an Estate

descendable to them in their Titles of Dukedoms, Earldoms, or Baronies; or those whose Ancestors were summoned to Parliament, for hereby also Inheritance doth accrew to their Posterities.

Noble Women are also those, who do take to their Husbands any Lord or Peer of the Realm, although they themselves were not of any Degree of Nobility.

Question and doubt hath been made, Whether if a Man be summoned to Parliament, and afterwards die without Issue Male, the Dignity and Title of Honour may descend to the Heir Female. And many Arguments have been *pro & contra* in that case, which at this time I purposely omit, because I have before discoursed thereof in the Chapter of Barons.

Concerning the Title of Honour descendable to the Heir Female by reason of a Tenure of her Ancestors, there needs no more doubt to be made than of Offices of Honour, the which do much Support the publick Wealth, and being of Estate of Inheritance, do descend to the Heir Female, if there be no nearer Heir Male: As the Office of High Constableship of *England* challenged in the Time of *Henry* the Eighth by the Duke of *Buckingham*, and adjudged by the Advice and Resolution of the Judges, as by a note of that Case extant, whereof *Dyer* in his Reports hath a Memorial 205. *b. Keilway*, the Sixth of *Henry* the Eighth 170. *b.* which descended to the Daughter of *Humphrey de Bohun*, Earl of *Hereford* and *Essex*, as before is declared. The Office of the Lord Steward descended to *Blanch*, Daughter of *Henry* Earl of *Lancaster*, in whose right *John* of *Gaunt* her Husband enjoyed the same. The like may be said of the Office of Earl-Marshal, which descended by an Heir Female unto the House of *Norfolk*: All which Offices are as unfit to be exercised by a Woman, as for a Woman of Honour to be summoned to the Parliament. And when a Title of Honour doth descend to a Woman, if Question in Law do arise between the said Noble Woman and any other Person, whether she be of that Degree of Nobleness or no, the Issue shall be tried by the Record thereof, and by the King's Writ it shall be certified, and not by a Jury of twelve Men, even as it should have been in case her Ancestor had been Party.

Although the Laws of the Realm regularly do make all the Daughters (where there are no Sons) equally to inherit Lands and Tenements, and to be but one Heir to their Ancestor; yet it is not so in the descent of Dignity and Titles of Honour: For Inheritances concerning matter of Honour, being Things in their Nature participating of Superiority and Eminency, are not partable amongst many, and therefore must of necessity descend unto one, and that is to the eldest Daughter, Sister, Aunt, or Cousin Female, and inheritable where there is no Heirs Males that may lawfully challenge the same. And so in this Point is the Civil Law.



Nevertheless, there was a Judgment in the Time of Henry the Third, touching the Descent of the Earldom of Chester, after the death of the Earl, who died without Issue, his Sisters being his Heirs; which Judgment was, That the said Earldom should be divided amongst the said Copartners as the other Lands; and that the Eldest should not have it alone. But this Judgment was holden Erroneous, even in those Times wherein it was given: For *Bracton*, a Learned Judge, who lived in that Age, writeth thereof, treating of Partition between Copartners, *lib. 2. Case 24.* by which it is evident, That Baronies and Dignities of Honour do by the Laws of this Realm descend unto the eldest Copartner; and the Judgment given once to the contrary thereof, *Bracton* doth rightly account to be unjust: His Reason is notable; *Forasmuch as the Honour of the Chivalry of this Realm doth chiefly consist in the Nobility, Reason would not that such Dignity should be divided amongst Copartners, whereby through the multitude of Partitions the reputation of Honour in such Succession, and so divided, might be impaired, or the strength of the Realm, being drawn into many Hands, with decrease of livelyhood by such Partition, should be infiebled.* In which Resolution *Britton*, the Learned Bishop of Hereford (who compiled his Book of the Laws of this Realm, by the Commandment, and in the Name of Edward the First, accordeth, *Britton 187.* And therefore, howsoever the Judgment was given, or whensoever, it is nevertheless very evident that it was soon redressed: For if it were given upon the Death of *Ralph*, the last of that Name Earl of Chester, who died about the Seventh of Henry the Third without Issue, the Writers of that Time do testifie, that the Earldom of Chester came wholly unto *John Scott*, the Son of *David* Earl of Huntington, and *Anghus* and *Maud*, the eldest Sisters of the said *Ralph*, if it were given upon the Death of the said *John Scott*, who died about the Four and twentieth of Henry the Third without Issue; yet notwithstanding the said Judgment stood in force, for that the said King assumed the Earldom into his own Hands upon other Satisfaction made to the said Sisters, Copartners of the said *John Scott*, *Ne tanta hereditas inter colos deduceretur Matth. Paris Monaster. Sancti Allane in Crompton, fol. 366. b.*

Nevertheless you may read both in the Introduction to the Display, and the Chapter of Differences, That Sisters are allowed no differences of Badges in their Coat-Armour, by reason that by them the Name of the House cannot be preserved, but are admitted to the Inheritance equally, and are adjudged but one Heir to all Intents and Purposes whatsoever. And the knowledge of this Point in these Days is worthy to be enquired into; for this is to be observed out of Presidents, and to be acknowledged of every dutiful Subject, that the King can advance to Honour whom he pleaseth: And therefore whereas *Radulph Cromwell*, being a Baron by Writ, died without Issue, having two Sisters and Coheirs; *Elizabeth* the

Eldest married unto Sir *Thomas Nevill* Knight, and *Joan* the Younger married to Sir *Humphrey Bowcher*, who was called to Parliament as Lord *Cromwell*, and not the said Sir *Thomas Nevill* who married the eldest Sister. And *Hugh Lupus*, the first and greatest Earl of Chester, *Habendum sibi & heredibus adeo libere per gladium sicut ipse Rex tenuit Angliam per tenorem.* *Hugh* died without Issue, and the Inheritance of his Earldom was divided amongst his Four Sisters, and the Eldest had not the Seigniorie entire unto herself.

If a Woman be Noble by Birth or Descent, with whomsoever she doth marry, although her Husband be under her Degree, yet she doth remain Noble; for Birthright *est Character inlelebilis.*

Other Women are enobled by Marriage; and the Text saith thus, *viz. Women ennobled with the Honour of their Husbands, and with the Kindred of their Husbands, we worship them in the Court, we decree Matters to pass in the Names of their Husbands, and into the House and Surname of their Husbands do we translate them:* But if afterwards a Woman do marry with a Man of a baser Degree, then she loseth her former Dignity, and followeth the Condition of her latter Husband. And concerning the second disparaged Marriage as aforesaid, many other Books of the Law do agree; for these be Rules conceived in those Cases: *Si mulier nobilis nupsit ignobili definit esse nobilis, & eodem modo quo quid constituitur dissolvitur.* It was the Case of *Ralph Howard* Esq; who took to Wife *Anne*, the Widow of the Lord *Powes*: They brought an Action against the Duke of *Suffolk*, by the Name of *Ralph Howard* Esq; and the Lady *Anne Powes* his Wife, and exception was taken for mis-naming of her; because she ought to have been named of her Husband's Name, and not otherwise: And the Exception was by the Court allowed; For, said they, *by the Law of God she is Sub potestate viri; and by our Law her Name of Dignity shall be changed according to the Degrees of her Husband, notwithstanding the Courtesie of the Ladies of Honour and Court: Dyer 79.* And the like is also in Queen *Maries* Reign, when the Dutchesse of *Suffolk* took her Husband *Adrian Brook*, Title *Brief, 54. 6.* And many other Presidents have been of later Times. And herewith agreeth the Civil Law, *Digest. lib. 1. Title q. lege 1.* In this Case of acquired Nobility by marriage, if question in Law be, whereupon an Issue is taken between the Parties, that is to say, Dutchesse are not Dutchesse, Countesse are not Countesse, and Baronesse are not Baronesse; the Trial whereof shall not be by Record (as in the former Case) but by a Jury of Twelve Men; and the Reason of the Diversity is because in this Case the Dignity is accrued unto her by her Marriage, which the Lawyers term *Matter in Fact*, and not by any Record.

But a Noble Woman by marriage, though she take to her second Husband a Man of mean Degree, yet she may keep two Chaplains, according to the Proviso in the Statute of 11 Hen. VIII. *Case*



*Case 13.* for and in respect of the Honour which once she had, *viz.* at the time of the Retainer : And every such Chaplain may purchase Licence and Dispensation, &c. And Chaplains may not be Non-residents afterwards.

And forasmuch as the retaining of Chaplains by Ladies of great Estate is ordinary, and nevertheless some Questions in Law have been concerning the true understanding of the said Statute Law ; I think it not impertinent to set down subsequent Resolutions of the Judges touching such Matters.

So long as the Wife of a Duke is called Dutcheſs, or of an Earl a Counteſs, and have the fruition of the Honour appertaining to their Estate, with kneeling, taſting, ſerving ; ſo long ſhall a Baron's Widow be ſaluted Lady, as is alſo a Knight's Wife by the Courteſie of England, *quamdiu matrimonium aut viduitas uxoris durant* ; except ſhe happen to cloſe with an Adulterer : For as the Laws of the Kingdom do adjudge that a Woman ſhall loſe her Dowry in that (as unto Lands, Tenements, and Juſtice ;) ſo doth the Laws of Gentry and Nobleneſs give Sentence againſt ſuch a Woman, advanced to Titles of Dignity by the Huſband, to be unworthy to enjoy the ſame, when ſhe putting her Huſband out of her mind, ſubjects her ſelf unto another.

If a Lady which is married come through the Foreſt, ſhe ſhall not take any thing ; but a Dutcheſs, Marchioneſs, or Counteſs ſhall have advantage of the Statute *de Charta Foreſt.* 12 *Artic.* during the time that ſhe is unmarried.

This is a Rule in the Civil Law, *Si filia Regis nubat alicui Duci vel Comiti, ducetur tamen ſemper regalis* As amongſt Noble Women there is a difference of Degrees, ſo according to their diſtinct Excellencies the Law doth give ſpecial Privileges, as followeth : By the Statute 25 *Edw. III. cap. 1.* it is High Treason to compaſs or imagine the Death of the Queen, or to violate the King's Companion. The King's Reſponſe is a ſole Perſon, except by the Common Law ; and ſhe may purchaſe in Fee-ſimple, or make Leaſes or Grants with the King ; ſhe may plead and be impleaded, which no other married Woman can do without her Huſband.

All Acts of Parliament for any Cauſe, which any way may concern the Queen, are ſuch Statutes whereof the Judges ought to take Recognizances as of general Statutes : Though the Matter doth only concern the Capacity of the Queen, yet it doth alſo concern all the Subjects of the Realm ; for every Subject hath Inter-eſt in the King, and none of his Subjects within his Laws are divided from the King, who is Head and Sovereign, ſo that his Buſineſs concerns all the Realm : and as the Realm hath inter-eſt in the King, ſo and for the ſame Reaſon in the Queen, being his Wife.

A Man ſeized of divers Lands in Fee holden by Knight's Service, ſome by Priority (that is by ancient Feoffment holden of others) and ſome other part holden of the King in Poſteriority ;

the King granteth his Seigniorv to the Queen during her Life ; and afterwards the Tenant dieth, his Son within Age : In this Caſe he ſhall have the Wardſhip of the Body, and have the Prerogative even as the King himſelf ſhould have had.

The Queen Conſort or Dowager ſhall not be amerced, if ſhe be Nonſuited in any Action or otherwiſe ; in which caſe any other Subject, of what degree ſoever, ſhall be amerced : for in that caſe the Queen ſhall participate of the King's Prerogative.

But the Queen ſhall not in all Caſes have the ſame Prerogative as the King ; as for Example, Petition is all the remedy the Subject hath when the King ſeizeth his Lands, or taketh away his Goods from him, having no Title by order of Law ſo to do, contrary to the Opinion of ſome ancient Books, as you may ſee *Stamford's Prerogative, Caſe 19.* But no ſuch Suit ſhall be made to the Queen, but Actions as againſt other Lieges of the King ; according as the Caſe ſhall require : For by the ſame Reaſon that the Queen may be Plaintiff or Demandant in Actions without the King, by the ſame Reaſon ſhe ſhall be Defendant without the part taking of ſuch Prerogatives as do appertain to the King.

Againſt the King by his Prerogative *nullum tempus occurrit* ; but it is not ſo with the Queen, 18 *Edw. 3. 2. a.* And plenarily by ſix Months is a good Plea in a *Quare Impedit* brought by *Philip Regina Anglia, ibidem fol. 1. 13. b. Stamford's Prerogative, Caſe 18. prope finem.* In the 22 *Edw. 3. 6.* it is thus to be read ; Note that a Protection was ſued forth againſt the Queen in a Writ which ſhe brought, and it was allowed, though ſhe be a Perſon exempt. Nevertheless by this ſhort Caſe following may be obſerved, That the Juſtices do not eaſily ſuffer any Proceedings in Law againſt the Queen (Wife or Widow ;) but will hold with their Immunities ſo much as by Law they may.

A Writ of Dower was brought againſt *Iſabel* Queen of England, and Mother to the then King ; and the Court ſaid to the Plaintiff, *The Queen is a Perſon of Dignity and Excellency, and we are of Opinion that ſhe ſhall not anſwer to the Writ, but that ſhe ſhould be ſued unto by Petition.* And thereupon the Demandant *dixit gratis*, and ſhe prayed the Court to grant a Continuance of Action until another Day, ſo that in the mean time ſhe might ſpeak with the Queen : But the Court would not agree to make a Continuance ; but ſaid, That upon her Requeſt they might give Day *pro re pertin.* and ſo it was done ; for the Queen's Counſel would not agree to a Continuance, for thereby the Queen ſhall be accepted as anſwerable.

Neither do I ſuppoſe that I have digreſſed from any former purpoſe for making mention in thoſe Caſes concerning the Queen Conſort : For notwithstanding the intermarriage with the Sovereign King, yet ſhe is no other than a King's Subject, whether ſhe be of a Foreign Nation, or a Native



born; and though she be by the Favour of the King solemnly crowned Queen, yet that is but a Royal Ceremony, and no essential Exception, whereby she may not from henceforth be accounted in the rank of Noble Women. And this hath been proved by the Effect in the Reign of King Henry the Sixth, when some of the Wives, crowned Queens, have been Arraigned of High-Treason, and therefore put to Trial by the Nobles of the Realm as her Peers.

The Wife of the King's eldest Son hath also some Prerogatives in regard of the Excellency of her Husband, which the Wives of other Noblemen have not: For by the Statute of the Thirteenth of Edward the Third, it is High-Treason to violate the Wife of the King's eldest Son and Heir.

Dutcheffes and Countesses have special Honours appertaining to their Estates; as Kneeling, Tasting, &c. which things are more appertaining properly to the Heralds, than to be here treated of.

THE High and most Noble Princess *Louise de Querovalle*, Dutcheff of *Portsmouth*, Countesses of *Furham*, and Baroness of *Petersfield*.

#### Creations.

Baroness, Countess and Dutcheff, for Life by Patent 19 Aug. 25 Car. 2. (1673.)

#### Arms.

Barry of 6, *Argent* and *Azure*.

*Isabella Fitz-Roy* (Dutcheff Dowager of *Grafton*, &c. and now Lady to Sir *Thomas Hammer* of *Hammer*, Baronet) Countess of *Arlington*, Viscountess of *Tbetford*, and Baroness of *Arlington* of *Arlington*, alias *Harlington*.

#### Creations.

Baroness, Viscountess and Countess upon the Death of her Father *Henry Benet*, Earl of *Arlington*, &c. who was created Baron *Arlington* of *Arlington* in Com' *Middlesex*, by Patent 14 Mar. 16 Car. 2. (1663.) and Viscount and Earl 22 Apr. 24 Car. 2. (1672.) with an Entail on the Heirs of his Body, and in Default to his elder Brother Sir *John*.

#### Arms.

The Paternal Coat of her Father, viz. *Gules*, an Imperial Mound, *Or*, between 3 Demi-Lions rampant couped, *Argent*. Anciently, a Bezant was instead of the Mound. Crest, a Demi-Lion as in the Coat; but Supporting a Mound, *Or*. The Crest of her Father was a Demi-Lion as in the Coat, but Supporting a Mound, *Or*. Supporters, two Lions, *Argent*; Ducally crown'd and collared, *Or*. Motto, *Haud facile emergunt*.

*Catherine Dudley*, Countess of *Dorchester*, and Baroness of *Darlington*.

#### Creations.

Baroness *Darlington* of *Darlington*, in Com' *Dunelm*, and Countess for Life by Patent 20 Jan. 1 Jac. 2. (1685.)

#### Arms.

*Azure*, a Fess wavy between 3 Goats Heads erased, *Argent*. The Crest of her Father was out of a Ducal Coronet, *Or*; a Goat's Head, *Argent*, holding in his Mouth a Branch, proper. Supporters, two Goats *Ermine*, attired, *Azure*.

*Grace Carteret*, (Daughter to *John Granville* late Earl of *Bath*) Baroness; and Viscountess *Carteret*, and Countess of *Granville*.

#### Creations.

Baroness *Carteret*, jure *Mariti* for Life, Viscountess and Countess by Patent, Jan. 1. 1 George.

#### Arms.

(As us'd with her Lords.) *Gules*, 4 Lozenges conjoin'd in Fess, *Argent*, impaling *Granville*, viz. *Gules*, 3 Clarions, *Or*. Supporters, on the Dexter Side a Buck, *Gules*; Wing'd and attired, *Or*, for *Carteret*; On the Sinister, a Griffin, *Or*, for *Granville*.

*Martha Johnson* (Daughter and Heir to *John Baron Lovelace*, and Wife to Sir *Henry Johnson* Knight) Baroness *Wentworth* of *Nettlested*.

#### Creations.

Baroness *Wentworth*, of *Nettlested* in Com' *Suff*, by Descent. This Barony was originally in *Tho. Wentworth*, who was created Baron by Summons, 2 Decemb' 21 H. 8. (1529.)

#### Arms.

Her Paternal Coat that of *Lovelace*, viz. *Gules*, on a Chief indented, *Sable*, 3 Martlets, *Argent*, which she uses impal'd with those of her Husband, viz. *Or*, a Water-bouget and Chief, *Sable*; on the latter 3 Bezants. The Supporters of Baron *Wentworth* of *Nettlested*, were two Griffins, *Argent*, beak'd and membered, *Gules*, each charg'd on the Neck with an Inkmoline in traverse and per Fess, *Or* and *Argent*. Motto, *Penses a bien*.

*Elizabeth* (Daughter and Heir to *Vere-Essex Cromwell*, Earl of *Ardglass*, and Baron *Cromwell*, Wife to Sir *Robert Southwell* Knight,) Baroness *Cromwell* of *Wimbleton*.

#### Creations.

Baroness *Cromwell*, of *Wimbleton* in Com' *Surr*, by Descent; This Barony was originally in *Gregory Cromwell*, Son and Heir to *Thomas Earl of Essex*, and Baron *Cromwell* of *Oakham* by



• by Summons and Patent 18 July, 18 H. 8.  
• (1536.)

*Arms.*

• The Paternal Coat of this Lady is Quarterly  
• per Fefs indented, Or, and Azure, 4 Lions  
• passant Counterchang'd, which is carried in an  
• Escutcheon of Pretence by her Husband on his  
• own Coat which is Argent, 3 Cinquefoiles, Gules,  
• each charg'd with five Annulets, Or. *Cromwell's*  
• Supporters, two Bulls, Gules, wing'd, arm'd,  
• and unguled, Or. Motto, *Je f'ray mon droit.*

• *Theodocia Blyth, Baroness Clifton.*

*Creations.*

• Baroness Clifton, of Leighton Bromswould in  
• Com' Hunt', by Descent, as allow'd 26 Car. 2.  
• Originally by Summons 9 July, 6 Jac. 1.  
• (1608.)

*Ladies in Reputation.*

THE Wife or Widow of the Son and Heir of a Duke or Earl in the Life-time of his Father, is a Lady by Courtesie of Speech and Honour, and taketh Place according as in ancient Time hath been permitted by the Sovereign Prince, and allowance of the Heralds; but in legal Proceedings they are not privileged, nor to be named according to such Names of Dignity. But the King may at his Pleasure create such Men, in the Life of their Ancestors, unto Degrees of Lord's of his Parliament, and then the Law is otherwise.

If a Noble Woman of *Spain* come into this Realm by safe Conduct, or otherwise, though in the Letters of safe Conduct by the King she be stiled by such her Sovereign Title; yet in the King's Courts of Justice she shall not be named by such Title, though in common Speech she is stiled a Lady.

An *English* Woman born doth take to her Husband a *French* or *Spanish* Duke, though he be made a Denizen, yet she shall not bear his Title of Dignity in Legal Proceedings.

A *German* Woman is married to a Peer of the Realm, and unless she be made a Denizen, she cannot lawfully claim the Privileges or Titles of her Husband, no more than she can to have Dower or Jointure from him.

An *English* Woman doth take to her Husband an *Irish* Earl; or if a Lord of *Scotland* (though he be a *Postnatus*) take an *English* Woman to his Wife, their Wives shall not participate of their Husbands Titles or Dignity.

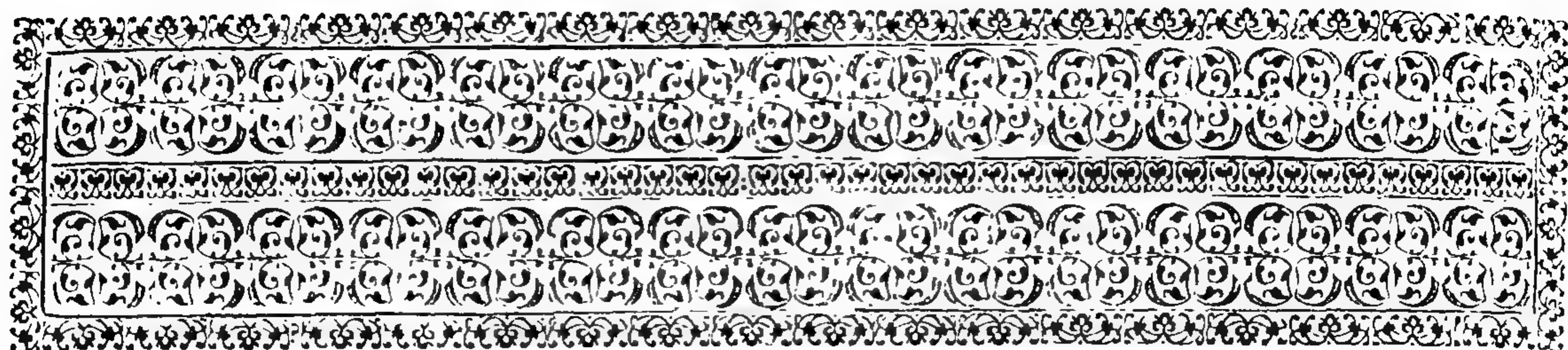
But if the King do create one of his Subjects of *Scotland* or *Ireland* a Peer of this Realm, then shall he and his Wife enjoy all the Privileges of a Nobleman. But if an *English* Man by the Emperor be made an Earl of the Empire, his Wife shall not bear that Title of Honour.

All the Daughters of Dukes, Marquises, and Earls are by the ancient Custom of the Realm stiled Ladies, and have Precedency according to the Degrees of their Parents; And of this Custom the Laws do take notice, and give allowance for Honour and Decency: But nevertheless in the King's Courts of Justice they bear not those Titles of Honour, no more than the Sons of such Noble Persons may do: So in this Point the Law is one way, and the Honour and Courtesie of Ladies another. And as a Civilian in like Case saith, *Aliud est jus, & aliud privilegium*; nevertheless the Books of our Law do make mention thereof, and allow of it as a Courtesie, though not as a Law.

Thus much of Women: If I have been too large upon this Subject, I crave their Pardons; and if too short, I wish I had been more large for their Honour: Yet let them compare their Conditions with that of their Neighbouring Nations, and 'tis believed they have reason to judge themselves the happiest Women in the World; but *Nemo sua sorte contentus.*

*None truly value what they do possess:  
Birth, Beauty, Titles, Riches in excess,  
Are all a Plague, if ought else we desire;  
The loss of that makes all our joys on fire.*





# PRIVILEGES

Incident to the

# NOBILITY

According to the

# LAWS of ENGLAND.

## CHAP. XIV.



**W**HEN a (a) Peer of the Realm, and Lord of the Parliament, is to be Arraigned upon Criminal Causes, *viz.* Treason, Felony or Misprision of them, whereof he is indicted, and whereupon he hath pleaded *Not Guilty*, the King by his Letters Patents shall assign some Great and Sage Lord of the Parliament to be High-Steward of *England* for the Day of his Arraignment, who before the said Day shall make a Precept to his Serjeant at Arms, that is appointed to serve him during the time of his Commission, to warn to appear before him Eighteen or Twenty Lords of the Parliament (or Twelve at the least) upon the same Day. And then at the Time appointed, when the High-Steward shall be set under the Cloth of Estate, with

(a) Lords of Parliament must be try'd by their Peers in Cases Criminal, *Co. lib. 12. fol. 95.* Countess of *Shrawbury's* Case, *Br. Trials*, 103, and 142 *Corone* 163, and *Jurors* 48. 10 E. 4. 6. *Cambr. Brit. fol. 169.* *Stamford's Pleas of Crown*, *Lib. 3. c. 1. Co. Lib. 9. 30.* B. Case of the Abbot of *Strata Marcella* *Co. 2. Inst. fol. 48.* *Magna Charta*, cap. 29. *Co. Lib. 12. fol. 92.* The Lord *Anna's* Case, *Finch's Laws*, *Lib. 4. c. 36. pag. 412.* *Co. 3. Inst. fol. 89.* Mr. *Bridal*, p. 20. in his 18th Remark upon this Privilege, tells us, from *Waterhouse Clerk of the Crown* That upon the Arraignment of the Lord *Dacres* of the *North*, *temp. H. 8.* all the Justices of *England* resolv'd three Points. 1. That no certain Number of Peers above Twelve is requisite, fewer cannot do. 2. Twelve must agree to the Verdict or he is not Guilty, altho' the Majority of those Impannel'd do. 3. That the Lord Steward cannot adjourn his Commission, but is to dissolve it; yet there was *temp. H. 8.* a Precedent, that he adjourn'd his Commission to the next Day only, and then dissolv'd it. *Moor's Reports*, 62. m. 844. *Vide Co. 3. Inst. 41.*

If a Nobleman be Indicted in the *K. B.* or the Indictment removed thither, he may plead his Pardon there before the Judges of the *K. B.* and they have Power to allow it, but he cannot confess the Indictment, or plead *Not Guilty* before those Judges but before the Lord Steward. *Roll 1 part 297.* *Roy, v. Signior Norris* *Co. 2. Inst. fol. 49.*

If a Peer of the Realm plead *Not Guilty* to an Indictment, he shall not waive his Plea and claim his Privilege to be Tried by his Peers. *Dalison's Reports*, fol. 16.

No special Verdict can be given in a Trial *per Pares*. *Hutton's Reports*, 116. The Lord *Audley's* Case.

At the Arraignment of the Lord *Audley*, the Judge's Assistants sat with their Heads covered, as the ancient Use hath been. *Hutton's Reports*, 116, 117. Lord *Audley's* Case.

At the Trial of the Earl of *Stratford* in Parliament-time, the Lords of the Upper House sat covered, the Members of the Lower, uncovered. *Nathan's Collection*, 2 Vol. p. 37.



with a white Rod of Justice in his Hand, upon the Arraignment of the Prisoner, and having caused the Commission to be read, the same Serjeant shall return his Precept, and thereupon the Lords shall be called; and when they have appeared, and are set in their Places, the Constable of the Tower shall be called to bring his Prisoner to the Barr, and the High Steward shall declare to the Prisoner the Cause why the King hath assembled thither those Lords, and himself, and perswade him to answer without fear; and then he shall call the Clerk of the Crown to read his Indictment unto him, and to ask him, if he be *Guilty, or not*: Whereunto when he hath an-

swered *Not Guilty*, the Clerk of the Crown shall ask him, How he will be tryed; and then he will say, *By God and his Peers*. Then the King's Serjeant and Attorney will give Evidence against him; whereunto when the Prisoner hath made answer, the Constable shall be commanded to receive the Prisoner from the Barr, to some other Place, whilst the Lords do secretly confer together in the Court; and then the Lords shall rise out of their Places, and consult amongst themselves, and what they affirm shall be done upon their Honour, without any Oath to be administered upon them (b). And when all, or the greatest part of them, shall be agreed, they shall retire

At the Entrance of the Lieutenant of the Tower, with his Prisoner the Lord *Strafford*, the Porter of the Hall, whose Office it is, enquired of Mr. *Maxwell*, whether the *Ax* should be carried before him, or no? who answered, That the King had expressly forbidden it; nor was it ever the Custom to use that Ceremony, but only when the Party accused was to be put upon his Jury. Dr. *Nelson's* Collection, 2 Vol. fol. 37.

In every Case of Treason or Felony newly made by Statute Law, the Lords of Parliament shall have their Tryals by their Peers, notwithstanding that the Statute provides not for it by express Words, so that the *Proviso* inserted for their Tryals in such Cases, is said by *Stamford* to be needless, *Stamford*, 153. and the Trial *per Pares* is given by *Magna Charta*, cap. 29. *Idem* 152. *Crompton's Courts*, fol. 19. B. And Sir *Edward Coke* tells us, That if he be a Nobleman, and Lord of Parliament, he shall be tried by his Peers, albeit there be no Provision for it; for of Common Right, in Case of Treason, Felony, and misprision of Treason or Felony, he is to be tried by his Peers. His Comment on the Statute of 1 Jac. c. 11. against Polygamy. But maulge what the prementioned Lawyers have written, the Reader may find a *Proviso* inserted in many Acts of Parliament (by our Legislators, for the surer preservation, and continuance of this Priviledge.) Namely, 33 H. VIII. c. 12, & 23. 35 H. VIII. c. 2. 1 Ed. VI. c. 12. 13 Eliz. c. 2. 1 Eliz. c. 1, & 2. 5 Eliz. c. 1. 23 Eliz. c. 1. 18 Eliz. c. 1. 23 Eliz. c. 1. 1 Jac. c. 1, & 12. 3 Jac. I. c. 4. 13 Car. II. c. 1. 13 Car. II. c. 6. 12 Car. II. c. 9. 13 Car. II. c. 18. 16 Car. II. c. 4.

It was resolved by the Judges in the Parliament holden the 2 Car. I. upon Conference concerning the Lord *Digby*, That when any Peer shall be proceeded against for Treason, that ought to be by Indictment; and that being done, then the King is to appoint a Peer to be Steward for the Time, and to proceed to Arraign him, or otherwise to transmit in this Indictment by *Certiorari*, to the Parliament, and there to proceed, or otherwise to prefer a Bill in the Parliament, which ought to be passed by both Houses, and it is an Attainder by Parliament, and so it was done, 5 R. II. c. 4. *Hutton's Reports*, 131. Lord *Digby's* Case. And the Case of the several *English* and *Scott* Peers, Attainted by the present Parliament of Great Britain.

(b) In Trial of a Peer, the Lords of Parliament shall not Swear, but they give their Judgment, *Super Videm, & Ligantiam Domino Regi debitam*: So that their Faith, and Allegiance stands in Equipage with an Oath, and in the Case of a Common Person in Trial of Life. Co. Lib. 12. 95. Countess of *Shrewsbury's* Case, *Camden's Britannia*, pag. 169. Eng. Edit. 1610. Co. 2. Inst. 49, & 3. Inst. 29. *Crompton's Courts*, fol. 13. a. 1 H. IV. 1 *Stamford* 152. *Blount verbo* Trial

The Reason (saith a very Learned Lawyer) why Peers of the Realm, are to proceed without Corporal Oath, is, because the Law supposeth them of such Integrity, as they will do for Justice, that others are compell'd to by their Oaths. Lord *Coventry* in his Speech to the Peers, at the Arraignment of *Mervin Lord Audley, Earl of Castlehaven*.

Concerning this Priviledge of giving a Verdict upon Honour, and not upon Oath, another Lawyer speaks thus. You see the great Regard the Law hath to the Word of a Peer of the Realm, when he speaketh upon his Honour; even in a Case concerning the Life of Man, and that of a Peer; and therefore ought they much more to keep their Words, and Promises in smaller Matters, when they engage their Honour for a fast Cause, or Consideration. *Crompton's Courts*, fol. 13. a.

Though upon the Trial of a Peer, the Lords of Parliament shall not Swear, yet it hath been Adjudged, that they must answer upon Oath, and not upon Honour only, in all Courts as Defendants, as it appears in the *Earl of Lincoln's* Case, wherein it was moved, whereas Sir *Henry Fines*, Knight, had exhibited his Bill in the Star-chamber, against the *Earl of Lincoln*, for divers Riots and Misdemeanors, and the *Earl of Lincoln* had taken Commission forth, to put in his Answer upon Oath, in the Country, and he offered before them his Answer upon his Honour, but would not put it upon Oath, because he was a Peer of the Realm; which Matter being now reported by the Commissioners, it was now moved by the King's Solicitor, to have the Resolution of the Judges: And it was held by all the Justices of both Benches, and all the Barons of the Exchequer, (in the presence of a very great Assembly, of the Lords, and divers others of the Privy Council in the Star-chamber,) that the Lords, in Cases Criminal, (especially where the King is Party) ought to put in their Answer upon Oath: And in all Cases, where they are to be Witnesses betwixt Party and Party, they ought to be Sworn. The Lord Keeper said, *Quod in Judicio non creditur nisi Juratis*, and that he caused Precedents to be searched, and had found divers, since the first of Queen *Eliz.* wherein Peers of the Realm being Impleaded in Chancery, or Star-chamber, or Court of Wards, have been always Sworn: And he said, when a Peer affirms any thing, which is not true, upon his Honour, there is not any Remedy; but if he affirms that which is false, upon his Oath, there is Remedy, by the Statute of 5 Eliz. c. 9. against Perjury; wherefore they are resolv'd, that the *Earl of Lincoln* ought to be Sworn; and of the same Opinion were all the Lords and Counsellors, which they delivered *Scrutim, nullo Contradicente*, because it is *Juramentum Purgationis*, and not *Promissionis*: And Princes are sworn to all their Leagues and Confederacies, which is called *Juramentum Confirmationis*; neither is it any Diminution to the said *Earl's* Honour, to be Sworn about that, which he would not, should be put upon his Honour. Cro. Car. 64. *Hutton's Reports*, 87. and Sir *William Jones's Reports*, 152. The *Earl of Lincoln's* Case in the Star-chamber. Since this Resolution of all the Justices, which was given, Anno 2. Car. 1626. the Lords, Anno 1628. in their House, did declare, That the Nobility of this Kingdom, and Lords of the House of Parliament, are, of Ancient Right, to Answer in all Cases as Defendants, upon Protestation of Honour only, and not upon the Common Oath. And in the Year 1640. the *Earl-Marshal* reports the Opinion of the Committee, to whom the Consideration of the Protestation of the Peers of this Realm upon Honour, was referred, upon some Doubts, that had risen, in a former Debate of the House of Peers, upon a former Order to that Purpose, as follows:

Our Opinions are clear, and that, upon hearing divers Learned Men, of both Laws, speak, That our Answer upon Honour only, can be no Impediment to the Common Justice of the Kingdom, but a just Preservation of our Ancient Liberties, and therefore we offer it as our Unanimous Opinions, that our former Order may stand in full Force, which is Entred in hæc Verba.

Ordered upon the Question, *Nemine Contradicente*, that the Nobility of this Kingdom, and Lords of the Upper House of Parliament, are, of Ancient Right, to answer in all Courts, as Defendants, upon Protestation of Honour only, and not upon the Common Oath: And that the said Order, and this Explanation, doth extend to all Answers, and Examinations upon Interrogatories in all Causes, as well Criminal as Civil, and in all Courts and Commissions whatsoever; and also the Persons of the *Widow Dowagers* of the Temporal Peers of this Land; and that the Lord Keeper of the Great Seal of England, for the Time being, or the Speaker of the Lord's House, for the Time being, do forthwith give Notice of it, together with this Explanation, to all the Courts of Justice, and the Judges, Clerks and Regillers of them, by causing our former Order, with this Explanation, to be Recorded in all Courts, and that all Orders, Constitutions, or Customs, entered or practised to the contrary where-ever, be Abolished, and declared Void; and the Lord Keeper of the Great Seal, for the Time being, or the Commissioners for the Great Seal, out of Parliament time, shall see all Practices to the contrary hereafter to be punished, with Exemplary Severity, to deter others from the like Attempts.



retire to their Places, and sit down. Then the High Steward shall ask of the youngest Lord by himself, if he that is Arraigned be Guilty or not of the Offence whereof he is Arraigned, and then the youngest next him, and so of the residue one by one, until he hath asked them all; and every Lord shall answer by himself. And then the Steward shall send for the Prisoner again, who shall be led to the Barr, to whom the High Steward shall rehearse the Verdict of the Peers, and give Judgment accordingly. *Lord Bacon's Case of Treason, cap. 2. Vide more of this grand Solemnity of Trying a Peer in Crompton's Courts, fol. 82. a. 13 H. VIII. 1 Stamford, 152. 1 H. IV. 1. and in Sir Tho. Jones's Reports, f. 51, & 55. Signior Case.*

The Antiquity and Original of this kind of Tryal, by the Opinion of several Authors, is grounded from the Statute of *Magna Charta*, so called, not in respect of the Quantity, but of the Weight of it. *Coke* to the Reader before his eight Part, fol. 2. cap. 29. beginning thus, *Mil-lus liber homo, &c. nec super eum ibimus, nec super eum mittemus, nisi per legale iudicium parium suorum.* But I take it to be more ancient than the Time of *Henry* the Third, as brought into the Realm with the Conqueror, being answerable to the *Norman* and *French* Laws, and agreeable with the Custom *Feudale*, where almost all Controversies arising between the Sovereign and the Vassal are tryed *per iudicium parium suorum.*

And if a Peer of the Realm upon his Arraignment of Treason, do stand mute, or will not answer directly, Judgment shall be given against him as a Traytor Convict, and he shall not be prest to Death, and thereby save the Forfeiture of his Lands; for Treason is out of the Statute of *Westminster*, 1. chap. 12. 15 Ed. IV. 33. *Dyer* 205, & 300. *Co. Inst.* fol. 177. of *Wm*, 1. c. 12. But if he be Arraigned upon Indictment of Felony, he may be mute. \* This Priviledge hath some restraint, as well in regard of the Person, as in the manner of proceeding.

\* *Brydall's ad Note upon the 45th Priviledge, in his Priviledgia Magnatum.*

As touching the Person; First the Archbishops and Bishops of this Realm, although they be Lords of the Parliament, if they be impeached of such Offence, they shall not be tryed by the Peers of the Realm, but by a Jury of Knights, and other substantial Persons upon their Oaths; the Reason thereof alledged is, so much as Archbishops and Bishops cannot pass in the like Cases upon Peers, for that they are prohibited by the Common and Ecclesiastical Law to be Judges of Life and Blood. Reason would that the other Peers should not try them; for this Tryal should be mutual, forasmuch as it is performed upon their Honours, without any Oath taken. And so by the way you may see the great Respect the Law hath to a Peer of the Realm, when he speaketh upon his Honour, even in a Case concerning the Life of a Man, and that of a Peer; and therefore ought they much more to keep their Words and Promises in smaller Matters, when they engage their Honour for any just Cause or Consideration (c).

Secondly, As touching these Persons, no Temporal Lords, but they that are Lords of the Parliament, shall have this kind of Tryal; and therefore out of this are excluded the eldest Son and Heir apparent of a Duke, in the Life of his Father †; though he be called an Earl. And it was the Case of <sup>† Co. 3d. In? 30. Crompton's Courts, fol. 19.</sup> *Henry Howard*, Earl of *Surrey*, Son and Heir apparent to *Thomas Duke of Norfolk*, in 38 *Hen. VIII.* which is in *Brook's Abridgement* Treason, 2. Likewise the Son and Heir apparent of an Earl, though he be called a Lord. And all the younger Sons of Kings are Earls by birth, though they have no other Creation; but shall not be partaker of these or other Priviledges incident to the Lords of the Parliament.

Thirdly, Those that are Barons, and of the Nobility of *Scotland* or *Ireland*, if upon the like Offence committed in *England* they be apprehended in *England*, they shall not have this Tryal by Peers (d), no, though they were born in *England*; for they received their Dignity from a

I shall close all, with what Doctor *Chamberlain* has said, touching the Lords Protestation of Honour, in all Judicial Proceedings: His Words are these,

Though neither Civil Law, nor Common Law, allow any other Testimony to be Valid, but what is given upon Oath; yet the Testimony of a Peer of *England*, given in, upon his Honour, without any Oath, is esteemed Valid. And they were wont to be examined upon their Allegiance, and the Loyalty of their Chivalry, and to put in their Answer to a Bill, *super Honorum*, without taking an Oath: Though of later Times, that Priviledge, by the Negligence of some Lords, hath been infringed sometimes. His Tract Intituled, *Anglicæ Notitiæ, or, the Present State of England*, 1 part, pag. 301, & 302. Edit. 15th pr. An. 1684. *Brydall's Priviledgia Magnatum.*

(c) Every Lord of Parliament, who hath Voice in Parliament, and called thereunto by the King's Writ, shall not be tried by his Peers, but only such as sit there, *Ratione Nobilitatis*, as Dukes, Marqueses, Earls, Viscounts, or Barons, and not such as are Lords of Parliament, by Reason of their Baronies, which they hold in the Right of the Church, as Archbishops and Bishops; but they shall be tried by the Country, that is by Freeholders; for that they are not of the Degree of Nobility. *Co. 3. Inst. fol. 3.* *Stamford's Pleas of the Crown*, Lib. 3. c. 62. fol. 153. *Crompton's Courts*, fol. 12 B Br Trials 142. in fine

*Master Camden* (in his *Britannia*, pag. 17. Eng. Edit. 167.) tells us, That unto the Bishops, by Right, and Custom it appertaineth, as to Part of the Kingdom, to be with the rest of the Peers personally present at all Parliaments whatsoever, there to Consult, to Handle, to Order, to Dece, and Determine, in regard of the Baronies, which they hold of the King: And that ever since the Conquest, they have enjoyed all the Immunities, that the Barons of the Kingdom did, Save only, they were not to be judged by their Peers. Of which Salvo, or Exception hear what another Author, Dr. *Chamberlain*, saith in his *Present State of England*

As for that common Assertion (says he) That no Lords of Parliament are to be tried by their Peers, but such as sit there, *Ratione Nobilitatis*; it is not only false, but frivolous in the Judgment of very many Judicious Men. And indeed, how absurd, and unreasonible must it needs be, (let all Men judge) that an Archbishop of *Canterbury*, who is acknowledged to be *primus par Regni*, should be tried by a common Jury of Freeholders, when as the meanest Lay-baron, though Created but Yesterday may not be tried by any under Barons. *Brydall's Priviledgia Magnatum*

(d) *Co. Lib. 3. fol. 4. Co. 2. Inst. 48. Co. Lib. 9. The Lord Sanchar's Case.*

If a Peer, a Lord of Parliament of *Ireland*, commit Treason in *Ireland*, he cannot be tried in *England* by the Statute of 26 *H. VIII. c. 2. & 5. & 6. E. VI. c. 11.* For he is not a Subject of *England* but of *Ireland*, and the Tryal in *Ireland* is by Parliament and not *per Patriam*. *Dyer*, 100. B



King of England of other Nations: But if the King of England do at this Day create one of his Subjects of Scotland or Ireland an Earl, Viscount, Baron, or other Peer of this Realm; or by his ordinary Writ of Summons under his Great Seal do call him to the Upper House of Parliament, and assign him a Place, and to have Voice free amongst the Lords and Peers there assembled, he shall be partaker with them in all Priviledges.

*And thus much concerning the restraint of the Priviledges, in respect of the Persons, 39 Ed. III.*

And touching the manner of Proceeding, it appeareth by the said Statute of *Magna Charta*, chap. 29. That a Peer of the Realm shall be tryed by his Peers only, in case where he is indicted at the King's Suit of Treason or Felony; for the Words of the Statute be, *Nec super eum ibimus*, &c.

But if any Appeal of Murther or Felony be sued by any common Person against a Peer of the Realm, he shall be tryed by a common Jury of Freeholders, and not by Peers (e).

And so was *Fines Lord Dacres* tryed in Appeal of Murther (f). The Nobility of this Realm do enjoy this Priviledge, That they are not to be impannelled on any Jury or Inquest, to make tryal or inquiry upon their Corporal Oaths between Party and Party, for they may have a Writ for their Discharge to the Sheriff (g).

But it is a Rule in Law, *Vigilantibus non dormientibus subveniant jura*. For if the Sheriff have not received any such Writ, and the Sheriff have returned any such Lord on Juries, or in Assize, &c. and they thereupon do appear, they shall be sworn; if they do not appear, they shall lose their Issues, 35 Hen. VI. and in such Case they must purchase a Writ out of the Chancery, reciting their Priviledges; directed to the Justices before whom such Noble Persons are so impannelled, commanding to dismiss him or them that were so impannelled out of the said Pannel, *F. N. B. 165. (b)*

This Priviledge hath, in two Causes, not been allowed, or taken place: 1. If the Enquiry con-

cern the King and Commonwealth, in any necessary and important Degree or Business of the Realm. And therefore divers Barons of the Marshes of Wales were impannelled before the Bishop of Ely, and other Commissioners of Oyer and Terminer, to enquire of a notable Outrage committed by *Gilbert de Clare*, Earl of Gloucester, against *Humphrey de Bohun*, Earl of Hereford and Essex, and his Tenants in Wales, in the twelfth Year of Edward the First, where *John de Hastings*, *Edmond de Mortimer*, *Theobald Beardmoe*, and other Barons of the Marshes, challenged their Priviledges aforesaid, and much insisted upon the same. But it was afterwards answered by the Court, as by the Words in the Record appeareth. The Barons aforesaid did persist in the Challenge, and in the end both the said Earls, between whom the said Outrage had been perpetrated, submitted themselves to the King's Grace, and made their Fines. Secondly, This Priviledge hath no Place in case of Necessity, where the truth of the Case cannot otherwise come to light; for the Words in the Writ in the Register are, *Nisi sua presentia ob aliquam causam specialiter exigatur*, &c.

If any Nobleman do bring an Action of Debt upon Account, in case where the Plaintiff is to be examined (which is always intended to be upon Oath) upon the Truth of his Cause, by vertue of the Statute of the fifth of Henry the Fourth. *ch. 8.* it shall suffice to examine his Attorney, and not himself upon Oath.

And this Priviledge the Law hath given to the Nobility, That they are not Arrested upon any Warrant of a Justice of Peace for their good Behaviour, or breach of Peace; nor by a Supplicavit out of Chancery, or from the King's Bench. For such an Opinion hath the Law conceived of the peaceable disposition of Noblemen, that it hath been thought enough to take their Promise upon their Honour in that behalf (i). And as in Civil Causes, the like Rule doth the Court of Equity observe in Cases of Conscience; for if the Defendant be a Peer of the Realm in the Star-Chamber, or Court of Chancery, a Subpœna shall not be awarded, but a Letter from the Lord Chancellor or Lord Keeper in lieu thereof, fixing a Day for his appearance (k).

X

And

(e) *Stamford*, Lib. 3. c. 1. *Br. Trials*, 142. and *Jurors*, 48. in fine 10. E. 4. 6. 13 H. VIII. 11, 12. *Br. Tit. Treason*, 29. 33. *Holburn Reading's Lecture*, pag. 68. pr. 1681. *Br. Corone*, 153. Co. 3. Inst. 30. & 2 Inst. 49.

(f) In the Case of a Premunire also, though it be at the King's Suit, a Nobleman shall not be try'd by his Peers, but by a common Jury of Freeholders. Co. Lib. 12. fol. 92. *The Lord Vaux's Case*, *Bullstrode*, 1 part, 198, 199. Co. 3. Inst. 30.

(g) *Br. Exemption* 3. and *Challenge* 37. 27 H. 8. 27. *Crompton's Courts* 14. a. co. lib. 6. 53. *Countess of Rutland's Terms of Law*, fol. 161. b. *Tit. Exemption*, co. lib. 9. *Earl of Shrewsbury's Case*, *Dyer*, 314. p. l. 98, Co. Lib. 12. 95. *Countess of Shrewsbury's Case*, *Camden's Britannia* 169. *Engl. Edit.* 1610. Co. Lib. fol. 156. B.

(h) *Register* 179. B. F. n. B. 165. A. D. *Finche's Law*, Lib. 4. c. 48. pag. 506. Co. Lib. 6. 53. *the Countess of Rutland's Case*.

(i) *Lambert's Justice of Peace*, Lib. 2. c. 2. 24 Ed. III. *Subpœna*, *Fitzh.* 40. *Camden's Brit.* 169. *Engl. Edit.* 1610. *Dodridge's Treatise of Nobility*, fol. 139. & 140. *Edit.* 1658.

On Articles of Peace, one Coleman demanded, that the Lord *Gerrard* might find Sureties, which the Court granted, albeit he was a Peer, and the Parliament but adjourned, so that by this Precedent, a Sitting Peer may be bound to the Good Behaviour. 2 *Kible* 435. Nu. 74. *Brydall's Privilegia Magnatum*.

(k) *Crompton's Courts*, fol. 33. B. *Dodridge's Treatise of the Nobility*, 140. *Edit.* 1658. No doubt saith Mr. *Brydall*, but a Bishop must have a Letter instead of a Subpœna.

(l) If a Peer appears not on the Letters directed to him, no Attachment shall be taken forth against him: For in the fourteenth Year of Queen Elizabeth, the Order, and Rule was declared in the Parliament Chamber, and so to be Enroll'd in the Parliament, that an Attachment is to be Awarded by Common Law, Custom, or Precedent. *Dyer* 315. a. & *Crompton's Courts*, fol. 33. B.

Mr. Justice *Penry* tells us, That if a Bill in Chancery be exhibited against a Peer, the Practice, or Course is, first, for my Lord Keeper to write a Letter to him; and if he doth not answer, then a Subpœna, and then an Order, to show Cause, why a Sequestration should not go forth; and if he still stands out, then a Sequestration; for there can be no Process of Contempt against his Person. 2 *Vent.* fol. 34.



And if he do not appear, no Attachment shall go out against him: For in the Fourteenth Year of Queen Elizabeth this Order and Rule was declared in the Parliament Chamber, That an Attachment is not awarded by Common Law, Custom, or President, against any Lord of Parliament. And if he do appear, and make his Bill of Complaint upon his Honour only, he is not compelled to be sworn. But by the Statute 5 Eliz. cap. 1. it is enacted, That all Knights and Burgesses of Parliament shall take the Oath of Supremacy, and so shall Citizens and Barons of the Cinque Ports, being returned of the Parliament, before they enter into the Parliament House; which Oath shall be according to the Tenor, Effect, and Form of the same, as is set forth in the Statute of 1 Eliz. Provided always, that forasmuch as the Queens Majesty is otherwise sufficiently assured of the Faith and Loyalty of the Temporal Lords of her High Court of Parliament, therefore this Act, nor any thing therein contained, shall not extend to compel any Temporal Person of or above the Degree of a Baron of this Realm to take the said Oath, nor to incur any Penalty limited by the said Act, for not taking the same.

Brydall's Privilegia Magnatum.

At the Suit of the Subject the Bodies of Noblemen, Lords of Parliament shall not be Arrested; neither Capias nor Exigent lyeth against them: Co. lib. 12. fol. 95. The Countess of Shrewsburies Case. Crompton's Courts, 14. a. Edit. 1594. Camden's Britannia, 169. Engl. Edit. 1610. Co. lib. 9. 49. Earl of Salop's Case. Finch's Law, lib. 4. c. 26. p. 354. Br. Exigent. 72. Stiles's Reports, 234. & 252. The Case of the Countess of Rivers, Co. lib. 6. 53. Countess of Rutlands Case. This Privilege belongs also to our Spiritual Lords, the Bishops, in respect of their Baronies.

If a Peer be sued in the Common Pleas in an Action of Debt or Trespass, and Process be awarded by Capias or Exigent against him, then he may sue out a Certiorari in the Chancery, directed to the Justices of the Common Pleas, testifying that he is a Peer of the Realm. For unless the Court be certified by the King's Writ out of the Chancery, that the Defendant is a Peer of Parliament, if a Capias or Exigent issue forth against him, it is no Error, neither is it punishable in the Sheriff, his Bailiffs or Officers, if they execute the said Process, and arrest the Body of such a Noble Person by force; for it appertaineth not to them to argue or dispute the Authority of the Court, who has the Jurisdiction of the Cause \*. But if the

Court be thereof certified as aforesaid, they award a Supersedeas, which is in the Books of Entries in the Title of Error, Sect. 20.

The Reason why Noble Peers, are privileged from Arrests, is grounded on presumption of Law, That The most Honourable, are likeliest, to be right Honest, and pay even before demand; and likewise, that their Fortunes, are sufficient to satisfy, without Attaching their Persons, Co. lib. 6. 52. B. The Countess of Rutlands Case, Moor's Reports, 765. n. 1063. Countess of Rutlands Case, Finch's Law, lib. 4. c. 26. pag. 354. Stiles's Reports, fol. 222. More v. Earl of Rivers. Br. Exigent, 72.

If a Capias in an Action of Debt, be Awarded against a Baron, or other Peer of the Realm, which is Erroneous, (because their Body by the Law is privileged in such Cases) yet, if the Officer be kill'd in Execution thereof, it is Murder; for the Officer as aforesaid, is not bound to dispute the Authority of the Court, which awardeth the Process; but his Office is to execute the Process. Co. lib. 9. fol. 63. Mackilley's Case.

For Contempts a Capias lies against a Peer of the Realm: As for Rescousing of one Arrested by the Course of Law, 27 H. VIII. 27. Crompton's Courts, fol. 14. a. So a Capias pro fine, lies against a Nobleman; for none can be privileged against the King. Cro. Eliz. fol. 170. Lord Strafford v. Thinne & fol. 503. Earl of Lincoln against Flower.

If a Lord of the Parliament, doth with Force and Arms, detain a Man in Prison, in his House, or elsewhere, the Remedy in such Cases, by himself, or his Friends Abroad at Liberty, to have a Writ called De Homine replegiando, to deliver him: But if the Lord, to prevent the Execution thereof, and of Malice, do keep, or convey away this same Man, so wrongfully imprisoned, so privily, as that the Sheriff cannot execute his said Writ: Then will the Court award a Writberniam, whereby the Sheriff shall Attach and Arrest the Body of the said Lord, and Imprison him, until he do deliver his said Prisoner, 11 H. IV. 15. F. N. B. 63. Crompton's Courts, fol. 20. a. Hobart's Rep. fol. 61. Foster, v. Jackson.

But a Capias or Exigent lieth against a Knight, for the Law hath not that Opinion of his Freehold. And if any of the Nobility happen to be so wilful, and not to appear, the Court will compel the Sheriff to return great Issues against

If a Dutches, or Countess, or the Wife of a Lord of Parliament, after the Death of their Husbands, be Impleaded in Chancery, the Plaintiff shall not sue a Subpoena against them; but the Chancellor or Keeper shall write to them, as the Use is, and hath been to their Husbands. Crompton's Courts, fol. 33. B.

If a Dutches, or Countess, or the Wife of a Lord of Parliament, (having gained their Titles by Marriage only) Marry, after the Death of their Husbands, those that are under the Degree of Nobility, and they are Impleaded in Chancery, not a Letter, but the Common Subpoena shall Issue forth against them, and their Wives, without mentioning in the Writ their Titles of Honour, which they had before; for those they have lost, by marrying Common Persons, Crompton, fol. 33. B. 11. Star-Chamber. The Womans Lawyer, lib. 3. sect. 5. pag. 125, & 126. Owen's Reports, fol. 81, 82. Dutches of Suffolk's Case, Co. Lib. 11. 16. B. Dyer, 79. Brydall's Privilegia Magnatum.

Co. lib. 10. 76. B. The Case of Marshalsea, 38 H. VIII. Dyer, 60. B. Co. lib. 6. 54. a. Countess of Rutlands Case

him,



him, and so at every Default to encrease the Issues, as lately against the Earl of *Lincoln* hath been in practice.

By the ancient Laws of this Realm, before the coming of *William* the Conqueror, many good Laws were made for the keeping the Peace; and amongst others, That all Men at or above the Age of twelve Years, being within the Precinct of Leets, should be sworn to the King's Allegiance; which we in remembrance thereof do keep at this Day in the view of Frank Pledge, or the Court Leet, because they are Resident within the Precinct of the Leet (\*). But Noblemen of all sorts, are neither bound to attend the Court Leet, nor to take the Oath, as appeareth by *Briton*, c. 29. treating of the Court called the *Sheriffs Tourn*, out of which the Leet to be extracted. And agreeable thereunto is the Statute of *Marlbridge*, cap. 10. See the Lord Chancellor's Speech in the Case of *Postnati*, fol. 78. (1) If a Writ of Error be brought in Parliament upon a Judgment given in the *King's Bench*, the Lords of the Higher House alone, Spiritual and Temporal, without the Commons, are to examine and amend the Errors, *ibid.* fol. 22. Co. 4. Inst. 21. *Finch's Law*, lib. 4. c. 36. pag. 483. *Filmer's Patriarcha*, pag. 140, 141. Edit. 1680

The Lords finding themselves extremely pressed by the bringing Writs of Error upon Judgments into their House, whereby the public Affairs were much retarded, made this Order, *June, Anno 1641.*

Ordered, That such Persons that bring in Writs of Error into this House, upon a Judgment given in a Court of Justice, and if it appear that there is no just Cause of Error in the said Judgment, but merely for delay of Justice and Execution, that then such Costs is to be given against the Parties that bring the Writ of Error, as the House shall think fit to give in that Case: And that the Record shall be remitted, whence it came, that the Defendant may take out Execution. *Dr. Nelson's 2 Vol. fol. 272. vide* the manner how a Writ of Error is brought into the Lord's House, and how there Amended. *Nelson's Collections*, 1 Vol. 651. Co. 4. Inst. fol. 21. *Finch's Law*, lib. 3. cap. 47. pag. 482, 489.

In the 11th of *Henry* the Fourth, fol. 26. in a Case concerning a Distress taken for Expences and Fees, the Knights of the Parliament are not contributory for such Lands as are parcel of their

ancient Lordships and Baronies, but for other Lands they are. But there is a Question made, If one which is no Baron, but ignoble, do purchase any ancient Barony, whether he shall be discharged of such Expences and Fees, or not? Which is not worthy the questioning: For as Land holden by Villanous Service doth not make him a Villain or Bondman, which being free doth purchase the same, although by his Tenure he shall be bound to do such Villanous Service: So on the other side, Land that is holden by Barony doth not make the Villain or Ignoble which purchaseth the same, to be Noble, although the Charge of such Tenure do lye upon him in respect of the Service of the Realm.

It is said in our Books, That a Day of Grace, or by the Favour of the Court, is not to be granted to the Plaintiff in any Suit or Action wherein a Nobleman is Defendant\*; because thereby a Nobleman should be longer delayed than the ordinary Course of the Court is; and such a Lord is to have expedition of Justice, in respect that he is to attend the sacred Person of the King, and the Service of the Commonwealth†: But if there be no ignoble Person Party to the Suit, the Judges do and may at their discretion, upon a Motion, grant a Day more of Grace otherwise than by the strict course of the Law the Plaintiff may challenge ||. *Camden*, f. 169. writing upon this Subject, saith, *Where a Nobleman is Demandant, the Defendant may not be assuoyed for the delay and Cause aforesaid.* To which I could also subscribe, but that the Book in the fifth of *Hen. IV.* 15. *ib.* is otherwise adjudged: There the King brought a *Quare Impedit* against a common Person, and the Defendant was enuoyed by a Rule of Court.

In case a Baron, or Barones, Earl, &c. have their Absence excused by *Effoin*, He who calls such *Effoins*, or Excuse, ought to find Pledges, that the *Effoin* is true; but in the Case of a Common Person, it shall rest upon the Credit and Integrity of the *Effoinatur*: And the Reason of such Diversity is this; for that Noblemen, in warrantizatione *Effoinii*, do not swear by themselves, but by their Proxies, viz. their Pledges, &c. *Bracton Lib. 5. Tract. 2. de Effoinis*, c. 9. Nu. 3. fol. 351. B. & c. 2. N. 3. f. 337. B. *Briton*, c. 1. 22. fol. 282. a. *Fleta Lib. 6. c. 10. nu. 15. Co. 2. Inst. 137.*

If any Peer of the Realm be Defendant in any Action, real or personal, against any other, whereupon any Issue is to be tryed by a Jury,

(\*) *Briton* Cap. 29 fol. 73. B. F. N. D. 161. 12 H. VIII. 7. 18. 25 E. III. 236. Co. Lib. 7. fol. 6, & 7. *Calvin's Case*, Co. Litt. 68 B. *Fleta*, Lib. 3. cap. 5. nu. 4. Co. Litt. fol. 172 B.

(1) *Finch's Law*, Lib. 4. c. 1. pag. 242. The same Privilege have Bishops from attendance at Tourns and Leets

Albeit Noblemen be exempted from their Personal coming to the Tourn and Leet, and many other Persons never took the Oath of Allegiance, yet they are all Subjects, of what Quality, Profession, or Sex, soever; as firmly obliged to their Allegiance as if they had taken the Oath; because it is written by the Finger of the Law of Nature, in every one of their Hearts, and the taking of the Corporal Oath, is but an outward Declaration of the same, Co. 2. Inst. fol. 121. The substance and effect of that Legal Ligeance (say the Learned Judges in *Calvin's Case*) is due by the Law of Nature, *Ex Institutione Naturæ*, the Form and Addition of the Oath is, *ex provisione Homines*.

\* *Camden's Brit.* 169. *Eng. Edit.* 1613. 27 H. VIII. 27. *Crompton* 14. a. Co. Lib. 9. 49. *Earl of Salop's Case*, 27 Ed. III. 88. 27 H. VIII. 22. This Privilege is as well incident to the Lords Spiritual.

† Co. Lib. 9. fol. 49. *The Earl of Shrewsbury's Case*

|| *Dodridge's Treatise of the Nobility*, pag. 144. Edit. 1658.



the Sheriff must return one Knight at the least to be of the Inquest (*m*), otherwise upon challenge made, the whole Pannel shall be quashed. Which by order of the Law is appointed to be done for Honour and Revenue due to the Person of that Degree. For when a Peer of the Realm is Party, it is otherwise than when the Suit is between private Persons; *F. N. B. Title Challenge* 115. 13 *Edward* the Third in a *Quare Impedit* against a Bishop adjudged. But the Earl of *Kent* in the fourteenth Year of the late Queen *Elizabeth's* Reign, and the Parties did plead to an Issue, the *Tenure Factus* is awarded, which the Sheriff did return served, and a Pannel returned accordingly, in which is no Knight named. The Truth of which Case was, that after the return made, the Demand is published, and demanded by the Queen and the Heralds to be Earl of *Kent* in Right and Descent, although he had not been so reputed or named before; and also after that Time (that is to say) at the then last Parliament, the Tenant is made a Baron by Writ of Parliament, and then the Jury doth appear in the Court of *Common Pleas*, and the Earl of *Kent* did challenge the Array, because no Knight was returned: But it was not allowed him by the Court, for the admittance of both Parties is to the contrary, and no Default can be laid to the Sheriff, for he had no Notice of the honourable Estate of either of the Parties; the Demandant not being then known or reputed to be an Earl by descent, or of the Tenant then also being no Baron. How much the Common Law hath always prohibited perpetuity in Lands and Tenements, you may see in *Corbet's Case*, in the first part of *Coke's Book*, fol. 48. and in many other Cases in the rest of his Books. As also *Littleton*, fol. 145. saith it is a Principle in the Law that every Land in Fee-simple may be charged with a Rent. But if the King's Majesty, upon a Creation of any Peer of the Realm, of what Degree soever, do as the Manner is by Letters Patent give unto any such new created Noblemen an Annuity or Rent for the Support of his Degree, which they call Creation-money; this is so annexed to the Dignity, that by no Grant, Assurance, or any manner of Alienation it can be given from the Lord, but is still incident, and a Support of the same Creation.

In all Cases upon Nonuits or other Judgments, a Baron, Earl, or Viscount, is to be amerced no less than five Pounds; but the Amercement of a

Duke or Marquis, ten Pounds. Although the Statute of *Magna Charta*, chap. 14. be in the Negative, viz. *Comites & Barones non amercientur nisi per pares suos, & non nisi secundum modum delicti*; yet use hath reduced it into a certainty. As also by the same Statute it appeareth, that such Amercements should be assessed *per pares suos*: But that it were troublesome to assemble Barons for so small a Matter, such Amercement in times past have been assessed by the Barons of the *Exchequer*, who sometime were Barons of the Realm, as is already taken notice of; and so writeth *Bracton*, lib. 3. tract. 2. *de Corona*. cap. 1. fol. 116. *B. Co. lib. 8 fol. 38. Griesley's Case*.

Whereas by Statute 32 *Hen. VIII. cap. 16.* it is enacted, That the Subjects of this Realm shall not keep in their Houses or Families above the Number of four Strangers born; nevertheless, by a Proviso in the same Act, every Lord of Parliament hath this Privilege allowed unto him to keep in his Family the Number of six born Strangers. The Bishops, as Lords of Parliament, may claim the same Privilege.

By the Statute 14 *Hen. VIII. cap. 13.* a Privilege was granted to the Nobility according to their Degrees concerning Apparel; but because by a Statute made in the first of King *Charles II. chap. 15.* all Laws and Statutes concerning Apparel, are taken away.

Whereas by the Statute 2 *Hen. V. Parl. 2. cap. 1.* it is ordained, That the Justices of the Peace in every County, named of the *Quorum*, shall be resident in the Shires wherein they are Justices, there is a Proviso in that Act, whereby the Lords and Peers of the Realm, named in such Commissions are excepted. This Privilege have the Bishops.

By the Statute 1 *Edw. VI. cap. 12.* amongst other Things it is Enacted, That in all and every Case and Cases, where any of the King's Subjects shall and may upon his Prayer have the Privilege of the Clergy, as a Clerk Convict, that may make Purgation in all the Cases, and every of them, and also in all and every Cases of Felony wherein the Privilege or Benefit of Clergy is taken away by this Statute, wilful Murder, and Poisoning only excepted, the Lords and Peers of the Realm having Place and Voice in Parliament, shall by vertue of this Act of Common Grace, upon his or their Requests and Prayer, alledging that he is a Lord or Peer of this Realm, claiming the

(m) *Co. Lib. 12, 95. Countess of Shrewsbury's Case, & Lib. 6, 53. Countess of Rutland's Case. Dodridge in his Treatise of Nobility, fol. 145. Edit. 1658. 4 Eliz. Dyer, 208. Plowd. Com. 117. a. Earl of Derby's Case. Sylvest. 2 Part fol. 31. Earl of Leicester's Case. 13 Ed. III. Inquest. 44. 27 H. VIII. 22 b. Finch's Law, Lib. 4. c. 36 p. 412. Br. Gualtero, 5. and Trial 142. Crompton's Courts. 74. a & 205. a 8 9 10 37. 34 H. VI. 18. Fitzh. Challenge 113. Modern Reports 1. pt. 226. Br. Enquest 105. Br. Novel Cases N. 88. This Privilege is incident to the Bishops, as Peers of the Realm.*

Where there are divers Defendants, whereof One is a Lord of Parliament, and the Array is challenged, by Reason no Knight is returned, this shall serve to Quash all the Array against the other Defendants also, for that it is Entire. *Dyer* 246. *Crompton's Courts*, fol. 20. B.

If a Knight be returned on a Jury, when a Nobleman is concerned in a Suit, it is not Material, whether he Appear and gives his Verdict, or not. 1 *Modern* 226. *Sorthcut* 2. *Stowel*. *Crompton's Courts*, fol. 20. B.

If there be no other Knights in the County, a Serjeant at Law, that is a Knight, may be returned, and his Privilege shall not excuse him. 2 *Mod.* 182. The Countess of *Northumberland's Case*.

If a Noble Peer of the Realm be Plaintiff, and a common Person Defendant, they joyn Issue, and two Knights are not returned in the Jury between them, as there ought to be, the Defendant may Challenge the Array of that Jury, as well as our Peer. *Nich.* 31, & 14. *Bliss. Antislon* 1 part 272. N. 281.

\* *Co. 2 Inst.* fol. 28. *Finch's Law*, Lib. 3. c. 1. p. 184. *Saunders's Reports*, fol. 227. *Nesl. v. Nalson*.



benefit of this Act, though he cannot read, without burning in the Hand, loss of Inheritance, or corruption of Blood, be adjudged, taken and used for the first time only to all constructions, intents, and purposes as a Clerk Convict, which may make Purgations without any other benefit of Clergy to any such Lord or Peer from thenceforth at any time after for any Cause to be allowed, adjudged,

\* Finch's Law, Lib. 4. c. 45. pag. 466. Synderfin, 1 Part, fol. 277. Stamford's Pleas of the Crown, lib. 2. c. 43. fol. 129. B. Levinz, 1 Part, fol. 180.

or admitted, any Law, Custom, Statute, or other Thing to the contrary notwithstanding \*. By this Statute a Lord of the Parliament shall have the benefit of his Clergy, where a common Person shall not, viz. for Breaking open an House by Day or Night, or for Robbing any on the High-way, and in all other Cases excepted, saving in wilful Murther and Poysoning, but in all other Cases, wherein Clergy is taken away by any Statute made since the said Statute of 1 Edw. VI. he is in the same degree that a common and inferior Person: But the Court will not give him the benefit of this Statute, if he doth not require it. If a Lord of the Parliament do confess his Offence upon his Arraignment, or doth abjure, or is Outlawed for Felony, it seemeth that in these Cases he may have the Benefit of this Statute, viz. his Clergy; for that by the Statute 18 Eliz. cap. 18. he, nor

† These Notes on this Privilege were taken from Judge Dodridge's Treatise of Nobility.

any other, need to make his Purgation, but shall be forthwith delivered out of Prison by the Justice †.

By the Imperial Constitutions, *Nobiles non torquentur, & Nobiles non suspendentur, sed decapitantur.*

Brydall's Privilegio Magnatum.

\* For the Honour and Reverence, which the Law gives to Nobility, their Bodies are not subject to Torture, in *Causa Criminis lesæ Majestatis*: Co. lib. 12. fol. 95. Countess of Salop's Case.

\* By the Imperial Constitutions, the Nobility may not be put to the Rack or Torture, to discover the Truth, but vulgar or common Persons are in such Case liable to that Punishment: Cod. 9. 4. 11, & 17, & Cod. 12. 1. 10. But this Immunity of Noblemen holds only in matters of no great Moment; *Sed cum de crimine Majestatis queritur, nulla dignitas à tormentis eximitur.* D. 48. 18. 10. 1. cod. 9. 8. 3.

\* In Treason, it hath been an ancient Use and Favour from the Kings and Queens of this Realm, to pardon the Execution of Hanging, Drawing, and Quartering of Peers, and to make Warrant for their Beheading. Lord Bacon's Cases of Treason, ch. 2. pag. 82; annex'd to Sir Robert Holbourn's Learned Readings, pr. 1681. Co. lib. 12. fol. 130.

\* When a Nobleman is attaint of Treason, and hath passed on him, the Judgment in Case of High Treason, viz. of Drawing, Hanging and Quartering, the Course is, That the Sovereign makes his Letters Patents directed to the

Lord Chancellor, or Lord Keeper, Reciting the Attainder; *Pet me minling to dispense with that manner of Execution of Judgment, in respect that the said A. B. a Nobleman do therefore by these Presents remit, and release the said A. B. of, and from such Execution of Judgment, and instead thereof, our Pleasure is, to have the Head of the said A. B. cut off, &c. as in such Cases has been used, touching or concerning Noblemen; And by the same do require the Lord Chancellor, or, &c. to make two Writs under the Great Seal, one to the Lieutenant to deliver the said Prisoner, and the other to the Sheriff of London, to receive, and Execute the said Prisoner, &c.* Co. Lib. fol. 130. Edit. 1677.

\* It has been said, and it passes for a Maxim in Law, That though in Judgment of Treason the King can order the Execution to be by Cutting off the Head, since it being a part of the Sentence, that the Head shall be sever'd from the Body, the King may in that Case remit all the other parts of the Sentence except that; yet in Felonies the Sentence must be Executed in the way preteribed by Law; and that if the King should Order Beheading instead of Hanging, it would be Murder in the Sheriff, and those that Execute it: But this seems to be taken up without good Grounds, and against clear Precedents; for in the Reign of E. VI. The Duke of Somerset, though condemned for Felony, yet was Beheaded. And in the Reign of King Charles the First, the Lord Audley being likewise condemned for Felony, all the Judges delivered their Opinion, That the King might change the Execution from Hanging to Beheading, which was done, and was not afterwards question'd. So in 32 H. VIII. The Lord Hungerford of Hentsbury was attainted of Burgery, and had Judgment to be Hanged by the Neck, until he was Dead; and yet was Beheaded on Tower-Hill. By which Instances it is evident, that it is in the King's Power to change the Execution from Hanging to Decollation, or Beheading. But we find in History, That some Lords have not met with the usual Privilege belonging to the Nobility; For Thomas Fines, Lord Dacres of the South, in Anno 33 H. VIII. was Attainted of Murder, and had Judgment to be hanged by the Neck, until he was Dead, and according to the Judgment was hanged at Tyburn; and so the Lord Sturton in 3, & 4. Ph. & Mar. was Attainted of Murder, and had Judgment to be hang'd until Dead, and according to that Sentence, he was hang'd. Co. Inst, 52, & 211. Dr. Burnet's History of the Reformation, Part 2. lib. 2. pag. 350.

At the Common-Law, it was lawful for any Man, Noble or Ignoble, to retain as many Chaplains as they pleased for their instruction in Religion. But by a Statute made 21 Hen. VIII. cap. 13. a Restraint was made, and a certain Number only allowed the Nobility: And such Chaplains for their Attendance have Immunities, as by the Statute



Statute at large: may appear, viz. every Archbishop and Duke may have six Chaplains, whereof every one may have, and purchase License of Dispensation, and take, receive, and keep two Parsonages or Benefices with Cure of Souls; and that every Marquiss and Earl may have five Chaplains; every Viscount or Bishop four Chaplains; and every Baron and Knight of the Garter may have three Chaplains, whereof every one of them may purchase License of Dispensation, and take, receive, and keep two Benefices with Cure of Souls.

And forasmuch as the retaining of Chaplains by Lords and Peers of the Realm is ordinary; and nevertheless some Questions have been concerning the true understanding of the said Statute Law, I think it not unnecessary to set down some subsequent Resolutions of the Judges touching some Matters

If a Bishop be translated to an Archbishoprick, or a Baron be created an Earl, yet in this Case they can have but only so many Chaplains as an Archbishop, or an Earl might have; for although he hath divers Dignities, yet he is still but one Person to whom the Attendance and Service should be done: So if a Baron be made a Knight of the Garter, or Lord Warden of the *Cinque*

\* Co. Lib. 4. fol. 118. *Acton's Case*.

*Ports*, he shall have in all but three Chaplains, & sic de similibus \*.

And if such an Officer allowed by the Statute to have one, two, or more Chaplains, do retain accordingly, and after he is removed from his Office, in this Case he cannot be now Nonresident, nor accept a second Benefice of his Complement which was not full before his removing; and in that Case it behoveth the Chaplain to procure a *Non obstante*, otherwise he may be punished for his Nonresidence.

So if any Earl or Baron do retain a Chaplain, and before his advancement his Lord is Attainted of Treason (as it was in the Case of the Earl of *Westmorland*) after the said Attainder such a Chaplain cannot accept a second Benefice; for though his Lord be still living according to Nature, yet after the Attainder

† Exposition of Terms of the Law, fol. 57. a. b. *The Chaplain's Case*. Co. lib. 4. *Acton's Case*.

he is a dead Person by the Law, and therefore out of the case to have Privilege for himself, or for his Chaplains †.

If a Baron have three Chaplains, and every of them have Benefices, and after the Baron dieth; they shall enjoy those Benefices with Cure, which were lawfully settled in them before: But in this Case, although the said Chaplains be resident upon one of his Benefices, yet now he is become

† Co. lib. 4. fol. 119. *Acton's Case*.

punishable for being Nonresident upon the other; for *Cessante causa, cessat effectus* ||.

The same Law is, if the Baron be attainted of Treason or Felony; or if any Officer be removed from his Office, & sic de similibus.

So if a Lord do any time upon request, &c. retain more Chaplains than are allowed by the

Law, the lawful Number only shall have privilege; and in this Case which of them be first promoted shall have privilege, and the rest are excluded; for *aquali jure melior est conditio possidentis* \*.

If a Nobleman do retain Chaplains above his Number at several Times, if any of his Chaplains die, the next that

\* Nam qui prior est tempore, prior est jure, Co. lib. 4. fol. 90. *Drumie's Case*.

was retained shall not succeed, for his first retainer was void; and therefore in this Case, it behoveth him to have a new retaining after the Death of the Predecessor, and before his Advancement; for *quod ab initio non valet, in tractu temporis non convalescit* †.

† Co. lib. 4. 90. *Drumie's Case*.

If a Noble Person retain such a Number of Chaplains as is by Law allowed him, but afterwards the Lord, upon such dislike or other Cause, do discharge any of them from their Attendance or Service, the Lord in this Case cannot retain other (thereby to give them privilege) during the Life of them so retained and discharged. And the Reason thereof is, because the first Chaplains were lawfully retained, and by virtue thereof, during their lives, might purchase Dispensations to have Advantage according to the Statute: And therefore if the discharge of their Service and Attendance might give liberty to the Lord to retain others, by such means he might advance Chaplains without number, by which the Statute might be defrauded. And the said Statute must be strictly construed against *Non-residents*, & *Pluralities*, as a Thing prejudicial to the service of God, and the ordinary Instruction of the People of God †.

\* Co. lib. 4. fol. 90. *Drumie's Case*.

If a Lord, who is not allowed but Three Chaplains, retain Six by his Letters Testimonial, and all Six are presented to Six several Pluralities; the Three, who are first promoted are warranted by the Statute, and yet the Retainer was not according to the Statute, but *in aquali jure melior est Condicio possidentis*, *Dyer*, 312.

*Brydall's Privilegia Magnatum*.

The Wife of a Baron, during the Coverture cannot retain a Chaplain, yet when a Baroness Widow, retains One or Two, according to the Proviso of the Statute of 21 Hen. VIII. the Retainer is the principal Matter, and as long as the Retainer is in force and the Baroness continueth a Baroness, the Chaplains may well take Two Benefices by the express Letter of the Statute; for it sufficeth, if at the Time of the Retainer the Baroness were a Widow: And herein this Rule is to be observed of a Woman, that attaineth Nobility by Marriage, as by Marriage of a Duke, Earl, or Baron, &c. For in such Case, if she afterward marry under the Degree of Nobility, by such Marriage with one that is not Noble, she loseth her Dignity, whereunto she had attained by Marriage, and after such later Marriage, the Power to retain a Chaplain is determined: But

\* other-



otherwise it is, where a Woman is Noble by Descent; for there her Retainer before, or, after the Marriage with one that is not Noble, shall be in force, and is not countermanded by the Marriage, nor determined by her taking of a Husband under the Degree of Nobility. *Co. lib. 4. fol. 118. B. Acton's Case.*

By the Statute 3 *Hen. VII. cap. 14.* it is enacted as followeth; Forasmuch as by Quarrels made to such as have been in great Authority, Office, and of Council with the King's of this Realm, hath ensued the Destruction of the Kings, and therefore the undoing of this Realm, so as it hath evidently appeared, when the compassing of the Death of such as were of the King's true Subjects was had, the destruction of the Prince was imagined thereby, and for the most part it hath grown and been occasioned by Malice of the King's own Household Servants; and for that by the Laws of this Land, if actual Deeds were not, there was no Remedy for such false compassing, imaginations, and Confederacies had against any Lord, or any of the King's Council, or great Officers in his Household; and so great Inconveniencies did ensue, because such ungodly demeanours were not strictly punished before that any actual deed was done; for remedy thereof, it was by the said Statute ordained, That the Steward, Treasurer, or Comptroller of the King's Household for the time being, or one of them, shall have full Authority to enquire by twelve discreet Persons of the Check Roll of the King's honourable Household, if any Person admitted and sworn the King's Servant, and his Name put in the Check Roll, in any quality or degree whatsoever under the state of a Lord, do make any Confederacies or Conspiracies with any Person or Persons, to destroy or murder the King, or any Lord of this Realm, or any other Person sworn to the King's Council, Steward, Treasurer, or Comptroller of the King's Household, that if it be found before the said Steward for the time being, by the said twelve Men, that any such of the King's Servants as aforesaid, hath confederated or conspired as aforesaid, that he so found by the enquiry be put thereupon to answer, and the Steward, Treasurer, or Comptroller, or two of them have Power to determine the said matter according to Law: And if he put in trial, that then he be tried by Oath of twelve discreet Men of the same Household, and that such Misdoers have no challenge but for Malice: And if such Misdoers be found Guilty by confession or otherwise, that the said Offence is adjudged Felony, and they to have Judgment and Execution, as Felons attainted ought to have by the Common Law \*.

\* *Co. lib. 22 fol. 95. Countess of Shrewsbury's Case, Co. 1. Inst fol. 37.*

By the Statute made in the second of King Henry the First, *cap. 8.* Authority is given to the Sheriffs, and other the King's Justices, for the better suppressing of Riots, to raise *posse Comitatus*; and the same liberty doth in Common Law guide in many other Cases: Nevertheless the

Sheriff may not by such Authority command the Person of any Nobleman to attend the Service †. But if the Sheriff upon a *Supplicavit* against a Nobleman in that case do return, that he is so puissant that he cannot, nor dare not arrest him, the Sheriff shall be grievously amerced for his return: For by the Writ under the Great Seal of England, the King's Command is to all Archbishops, Bishops, Earls, Counts, and Barons, and to all Leige-men of the County, to be aiding unto him in that which to his Office appertaineth; and therefore no Person whatsoever can respite the Execution of the said Writ of the King's: Also the Sheriff at his discretion may levy three hundred Men, if need be, to aid him in that behalf.

† *Dodrige in his Treatise of the Nobility.*

The Words of the great Charter of the Forest, in the eleventh Chapter, are as followeth; *To every Archbishop, Bishop, Earl, or Baron coming to us, and passing by our Forest, it shall be lawful for him to take one Beast or two by the view of the Forest if he be present; or else he shall cause one to blow a Horn for him, that he seem not to steal our Deer.* Although the Statute doth speak but of Bishops, Earls, and Barons, yet if a Duke, Marquis, or Viscount (which are Lords of the Parliament) be coming towards the King by his Command, they also shall have the benefit of this Article †.

† *Crompton's Courts, fol. 167 B. Co. 3. Inst fol. 308.*

So if the King send to any of the Lords aforesaid to come to his Parliament; or send for him by Writ of *Subpœna* to appear in the Chancery; or by Privy Seal to appear before his Council; or send for him by Letters Milive, or by Messenger, or Serjeant at Arms; in all these Cases he shall have the Benefit of this Statute, because that they come at the King's command \*. The same Law is, if a *Scire facias* go out of the Chancery or King's-Bench to a Lord of Parliament. But if such Process go forth against a Lord to appear before the Justices of the Common-Pleas, or the Barons of the Exchequer, and he cometh upon the same, he shall not have the benefit of the Statute; for he doth not come unto the King; and the words of the Statute are, *Ventens ad nos*; And all the Process which are made out of the Chancery and King's-Bench, are, *Quod sit coram nobis*; and so are the Process out of the Star-Chamber †.

\* *Charta de Foresta, cap. 11. Crompton's Courts, fol. 167. B Co 4 Inst fol. 308. The Lords Spiritual have also the Liberty to hunt in the King's Forests or Parks going from, or coming to the King, upon his Order.*

† *Manwood's Forest Laws, Cap. 181. Crompton's Courts, 167. b.*

Also Lords which come to visit the new King after the Death of his Father (though not sent for) shall have the same Privilege \*. And so that this Statute is a Warrant dormant to such Lords; which also is to be understood as well of their returning homeward, as of their coming to the King. And note, that this Statute doth extend to give Licence to kill or hunt in the King's Parks,

\* *Crompton, fol. 168. a.*



† Crompt. Court,  
fol. 168. a. Co. 4.  
Inst. f. 308.

Parks, though the Letter of the Statute be *Transiens per Forestam nostram* †.

Brydall's *Privilegia Magnatum*.

‘ If the King of Scots, or Prince of Wales, do come to the King, by his Commandment, to do

‘ their Homage, or other such Things, which a Subject ought to do, he shall have the Benefit of this Article. *Crompton's Courts*, fol. 167. B.

‘ The Eldest Son of a Duke is an Earl, and the Eldest Son of an Earl is a Baron, and every Son of a Duke or Marquis is a Lord: But it seemeth, that they cannot take the Benefit of this Statute; for they are not Peers of the Realm and Lords of Parliament. *Crompton's Courts*, fol. 167. B.

‘ If a Lady, which is Married, come through the Forest, She shall not take any thing: But a Dutcheß or Countess shall have the Advantage, during the time that she is Unmarried. *Crompton's Courts*, fol. 167. B.

‘ If an Earl, or Lord of Ireland, or of Scotland, come to the King, by his Commandment, he cannot have the Benefit of this Statute; for 'tis not understood, but to the Lords of England, or Prince of Wales, &c.

If any Person shall divulge false and scandalous Reports of any Lord of Parliament, the Offender is to be Imprisoned until he bring forth the Author.

Brydall's *Privilegia Magnatum*.

‘ The Supreme Legislator of this Nation, is so tender of the

‘ Honour, Credit, Reputation and Persons of the Nobility, that there is a Law purposely framed, (namely, 2 R. II. c. 5.) to Obviate, Withstand, or hinder all Offence, by false Reports, or Lies, whereby any Scandal to their Noble Persons may arise; or Debate, and Discord, between them and Common Persons; and because it is to Defend them, it is called *Scandalum Magnatum*. Cowel's Interpreter *verbo*, *Scandalum Magnatum*. Exposition of Terms of the Law, f. 269. a. and *Minsheim*, 647. *An Action de Scandalis Magnatum*, lyes as well in the Case of a Spiritual, as a Temporal Lord of Parliament.

‘ Besides the Penalties assign'd to be inflicted upon Transgressors, by the Acts of *Westm.* 1. c. 33. 2 R. II. c. 5. & 12 R. II. c. 11. Every Nobleman and Peer of the Realm, against whom any Scandalous Words, false News, or Lies be spoken, may prosecute against the Offender, an Action, *De Scandalis Magnatum*, and recover Damages against him.

‘ If a Man do write unto another Scandalous Words, and Reports, touching a Nobleman, and this Letter be Signed with his Seal, and Subscribed with his Name; yet upon this Letter, shewed upon Evidence, the Nobleman may recover Damages, in an Action, *De Scandalis Magnatum*, whereof you may see two Precedents in *Crompton's Justice of Peace*, 85.

‘ The Opinion of some Men hath been, that a Countess, Baroness, or other Woman of great

‘ Estate, cannot maintain an Action, *De Scandalis Magnatum*, because the Statute of 2 R. II. c. 5. speaks but of Prelates, Dukes, Earls, Barons, &c. by which Words they conceive, the meaning of the Makers of that Statute, was only to provide in that case for Lords, and not for Women of Honour. *Crompton's Justice of Peace*, 45. B. *Dodridge's Nobility*, p. 167. *Tit. Noblewomen*. Dr. Chamberlain's *Angliæ Notitia*, pag. 358, 1 part, Edit. 15. 1684.

‘ There is a Difference taken, between an Action on the Statute of *Scandalum Magnatum*, and a Common Action: The Words in one Case shall be taken in *mitiori sensu*; and in the other, in the worse Sense against the Speaker, that the Honour of such great Persons may be preserved. 1 Vent. fol. 60. *Earl of Peterborough's Case*, 1 Mod. 232.

‘ The Earl of *Stamford* brought an Action on the Statute of 2 R. II. *de Scandalis Magnatum*, and had Judgment: And the Defendant brought a Writ of Error, Returnable in the Exchequer Chamber; and it was moved, that this Writ of Error shall not be allowed, because the Statutes do not extend to this Action; and of this Opinion was all the Court; and they said, that so it was adjudged in *Nevill*, and *South's Case*, and in the Lord *Sayes's Case*. *Syderfin*, 1 part, 143. *E. of Stamford, v. Nedham*.

It is actionable for any to deface the Coat-Armour, &c. of any Nobleman or Gentleman, that is placed in a Church or Window; or any where or in any thing by the Parity of Reason.

*Certain Cases wherein a Lord of the Parliament hath no Privilege.*

THE Statute of *Westminster* 2. cap. 39. saith, If the Sheriff return that he cannot execute the King's Precept *propter resistantiam alicujus magnatis*; if it be true, he shall punish the resisters by Imprisonment, from whence they shall not be delivered without the King's special Commandment: For none can be privileg'd against the King.

In 11 Hen. IV. 15. in *homine replegiando*, against Dame *Spencer* a Peer of the Realm, (viz. a Baroness born) a *Capias* was granted, because it was an high injury to the Person whom she cloigned, and in some other Cases of great contempt a *Capias* may be Awarded against a Peer.

An Abbot, which was a Lord of the Parliament, was impleaded, and he did pray Privilege to appear by an Attorney: and by the Rule of the Court he could not, because the Statute is general, and against it; but by a special Writ out of *Chancery* he might; and so in case where he doth pray to be received. For if a Lord of the Parliament, holding Lands of another in Fee-simple, doth forbear and withhold to do, and pay his Service to his Landlord, and that by the Space of two Years; whereupon he bringeth a Writ of *Cessment* (which is his Remedy given by Law)



Law) thereby to recover the Inheritance of the Land: But the said Lord, for the saving of Tenancy, being minded to pay all the Arrearages before Judgment given against him (as by the Law he ought to do) in this Case he must come in proper Person, and not by an Attorney.

If a Nobleman be indicted, and cannot be found, Process of Outlawry shall be awarded against him *per legem terræ*, and he shall be outlawed *per judicium Coronatorum* (a), but he shall be tried *per judicium parium suorum* when he appeals and pleads to issue (b).

If any Lord did depart this Realm as Ambassador and otherwise, by the King's Licence, or without Licence, and do not return at the King's Command, or at the King's Writ, upon his Privy Signet, the King may seize his Goods and Chattels.

If a Lord, arrested upon a *Supplicavit* for the Peace, do refuse to obey the Arrest, and make Rescous, and the Sheriff do return the Rescous; upon such return shall issue an Attachment against the said Lord for his Contempt, to take his Body; and this is a way to obtain the Peace against any Lord of the Parliament; whereas the Party could not have an Attachment against him, if the *Sub-pœna* had been duly served, and peaceably accepted of, although the said Lord had not appeared thereupon.

All Lords are compellable to take the Oath mentioned in the Statute of the 7th of King James, chap. 4. And see the Statute of the 7th of King James, chap. 6. who have Authority to minister the said Oath unto them.

If a Baron that holdeth by Baron Tenure, have his absence excused by Essoyn, he which casteth his Essoyn or Excuse, ought to find Surety that the said Essoyn is true. But in case of common Persons, it shall rest upon the Credit and Integrity of the Essoyners; wherein a Lord hath lesser Privilege than a common Person \*.

\* *vide backwards.*

And whereas the Amercements should be offered *per pares*, the Use is to refer them to the Barons of the Exchequer.

When a Peer of the Realm is Arraigned in any Appeal of Felony, he shall not have that privilege to be tried by his Peers (as in case of Indictment) but must undergo the ordinary Trial of Twelve Men.

Also in case of Indictment, the Defendant (though a Peer) may not challenge any of his Triers (c): And the Judgment to be given against any Lord of Parliament in cases of Felony or Treason shall be no other, than according to the usual

Judgment given against common Persons. Tho' their Execution (through the special Grace and Favour of the King) is Beheading.

By Attainder of Felony or Treason is corruption of Blood, so that their Children may not be Heirs unto them, nor to any other Ancestor. And if he were a Nobleman before, he is by the Attainder made Ignoble, not only himself, but all his Children; having regard unto the Nobility which they had by their Birth. And this Corruption is so strong and high, that it cannot be salved by the King's Pardon, or otherwise than by Authority of Parliament.

But here is to be observed, That Nobility is not a thing substantial, but meerly accidental; for it may be present or absent, without corruption of the Subject whereof it doth depend; for experience sheweth, That the passing of honourable Titles are restrained by exorbitant Crimes, when as Nature in the mean while cannot be thrust away. Wherefore, though the Lawyers do call Extinction of Nobility, which happeneth by such heinous Offences committed by corruption of Blood: Nevertheless they use not this manner of phrase, as though Nobility were naturally and essentially in the Honour of Blood, more than any other hereditary Faculty; but because the right of Inheritance (which is by degrees of communication of Blood directed) is by that means determined; and also in regard of the hatred and detestation of the Crime, it is called corruption of Blood.

And here a Question may arise, Whether by Attainder of the Father the Blood be so corrupted, that the Son shall also be barred his Mothers Inheritance, who hath not transgressed, or no?

They that maintain the Affirmative, say, That forasmuch as none can be procreated or ingendred according to the course of Nature, but of a Father and Mother, and must have in him two Bloods, *viz.* the Fathers and Mothers; therefore the Law also saith, Those Bloods commixt in the Person of a Man in lawful Marriage, do constitute and make him an Heir; and that none can be Heir unto any, unless he hath both Bloods in him to whom he doth convey himself to be Heir. And therefore the Heir of the half Blood shall not inherit, because he doth want one of the Bloods which should make him inheritable. And upon this reason, *Britan. chap. 5.* saith, *If a Man be attainted of Felony by Judgment, the Heirs ingendred after the Attainder are precluded from all manner of succession in the Heritage, as well of the part of the Mother as of the Father; for ex leproso parente, leprosus generatur filius.*

(a) The Cases of the late Dukes of *Norwick* and *Ormond*, and of the Earl of *Mar*, Viscount *Bolingbroke*, &c.

(b) *Co. 2. Inst. 49. & 3d. Inst. 31. Stamf. Pl. Cor. 130.*

(c) Though the Law alloweth a Common Person, that is Arraigned for Treason, or Felony, in Favour of Life, to challenge thirty five of his Jury, without shewing Cause, and others by shewing Cause; yet when any Subject, that is a Lord of Parliament, and a Peer of the Realm, is to be tried, either for Felony or Treason, he shall not challenge any of his Peers at all, nor put any of them to their Oath, the Law presuming, that they being all Peers of the Realm, and judging upon their Honour, cannot be guilty of Falseness, Favour, or Malice. *Co. Lit. 156. B. & 294. a.* Dr. *Burnet's History of the Reformation, 2 part, fol. 179.* Baker in *vid. E. 6. f. 330. Edit. 1660.* Hayward's *E. 6. fol. 136, & 294.* Camden's *Eliz. Anno 1601. 543. Eng. Edit. 1635.* Baker in *vid. Eliz. fol. 415. Co. 3. Inst. fol. 27. Moore's Reports, fol. 622. N. 849.* The Case of the Earl of *Essex* and *Southampton.*



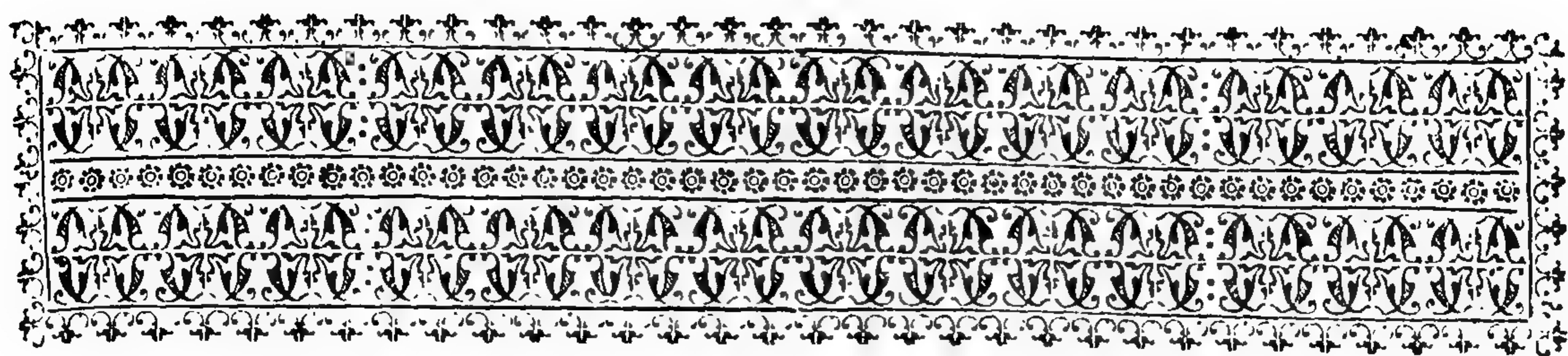
*And when the Father is attainted of Treason or Felony, the Blood, in respect whereof he is Inheritable, being corrupted, the same bath but half his Blood, that is, the Blood of his Mother in him without corruption. And with this doth agree Bracton, lib. 3. cap. 13. Non valebit felonis generatio, nec ad hereditatem paternam, nec maternam; si autem ante felonium generationem fecerit, talis generatio succedit in hereditatem patris vel matris, à quo non fuerit feloniam perpetrata.* Because at the time of his Birth he had two lawful Bloods commixt in him, which could not be corrupted by the Attainder subsequent, but only as unto that Party who did offend.

But on the Negative part it is said, That the Law is not so penal against the innocent Child, as to prejudice him touching his Mothers Inheritance, who also did not offend; or contrariwise, especially in case where the Mother was seized of an Estate in Fee simple, either in Lands or Tenements, or Title of Honour. And this was the case (if I be not mistaken) of *Philip late Earl of Arundel*, notwithstanding the Attainder of *Thomas Duke of Norfolk* his Father; for he had that Earldom in right of his Mother.

But they do agree, That if the Lands or Tenements, or a Title of Honour, be given to a Man, and to his Wife in tail who hath Issue: The Father is attainted of Treason, and executed, though this Forfeiture of the Husband shall be no barr to the Wife concerning her Interest by Survivorship; yet their Issue is barred by the Statute 26 Hen. 3. cap. 13. and his Blood corrupted: For in that case the Heir must necessarily make himself Heir, as well of the Body of the one as of the other. And yet the Words of the Statute 32 Hen. 8. cap. 28. are, That no Fine, Feoffment, or other Act or Acts hereafter to be made, or suffered by the Husband only of any Mannors, Lands, Tenements, or Hereditaments, being the Inheritance or Freehold of his Wife, during the Coverture between them, shall in any wise be, or make any discontinuance, or be prejudicial to the said Wife, or to her Heirs, or to such as shall have Right, Title, or Interest to the same by the death of such Wife or Wives; but the same Wife or her Heirs, and such other to whom such right shall appertain after her decease, shall or may then lawfully enter into all such Mannors, Lands, Tenements, and Hereditaments according to their Rights and

Titles therein. For their is Adversity taken and agreed for Law between a discontinuance which doth imply a Wrong, and lawful Baron which doth imply a Right: And therefore if Land be given to the Husband, and the Wife, and to the Heirs of their Bodies begotten, and the Husband levies a Fine with Proclamation, or do commit High Treason, and dieth, and the Wife before or after Entry dieth, the Issue is barred, and the Comisee for the King hath right unto the Lands, because the Issue cannot claim as Heir unto both. And with this doth agree *Dyer 351. b.* adjudged, vide 5 Hen. VII. 32. *Cott's Assize, Coke's eighth part, 27.* where it is resolved, That the Statute 32 Hen. VIII. doth extend only unto Discontinuances, although the Act hath general Words, *or be prejudicial to the Wife or her Heirs, &c.* but the Conclusion, *if she shall lawfully enter, &c.* according to their Right and Title therein, which they cannot do when they be barred, and have no Right, Title, and Interest. And this Statute doth give advantage unto the Wife, &c. so long as she hath right; but it doth not extend to take away a future barr. Although the Statute doth give Entry without limitation of any Time; nevertheless the Entry must attend upon the Right: And therefore if the Wife be seized in Fee simple, and her Husband levy a Fine with Proclamation unto another, and dieth, now the Wife may enter by force of the Statute; for as yet that Fine is not any barr unto her, but her Right doth remain, which she may continue by Entry; but if she do surcease her time, and the five Years do pass without Entry, &c. now by force of the Fine with Proclamation, and five Years past after the death of her Husband, she is barred of her Right, and by consequence she cannot enter. And the Statute doth speak of Fine only, and not of Fine with Proclamation. If there be Father and Son, and the Father be seized of Lands holden *in Capite*, or otherwise by Knight's Service, the King doth create the Son Duke, Earl, or other Degree of Nobility, and afterwards the Father dieth, his Son being within the Age of One and twenty Years, he shall be no Ward; but if the King had made him Knight in the life of his Father, he should not have been in Ward after the death of his Father, neither for the Lands descended, nor for his Marriage, though he be within Age.





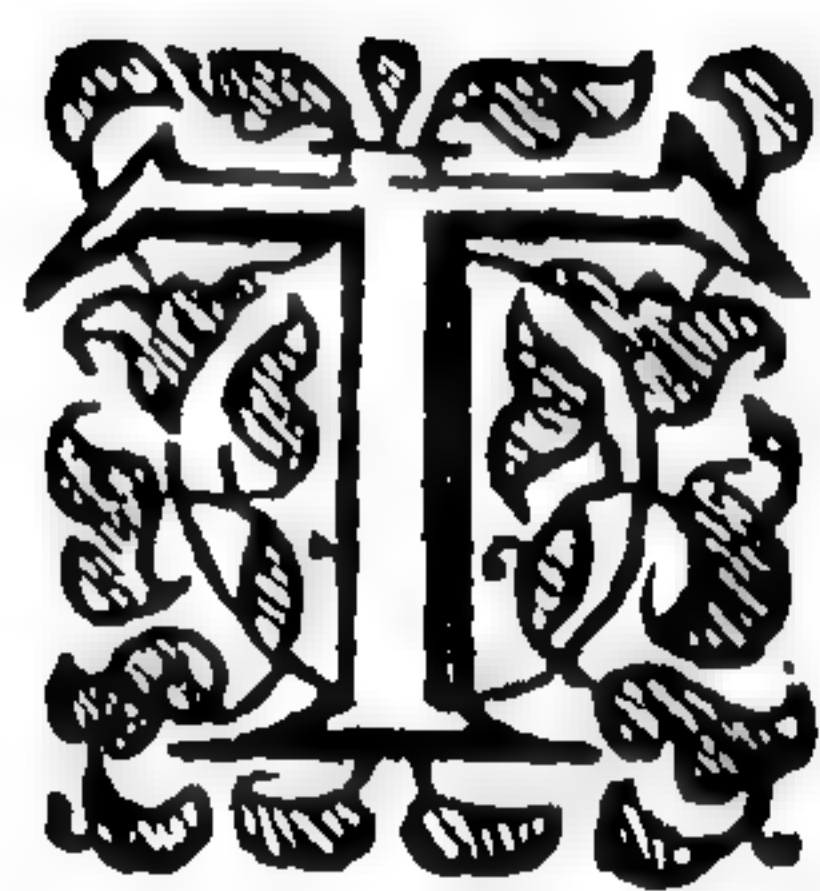
# NOBILITY

## AND

# LORDS

### In REPUTATION Only.

#### CHAP. XV.



HERE are also other Lords in Reputation and Appellation, who nevertheless are not *de jure*; neither can they enjoy the Privileges of those of the Nobility that are Lords of the Parliament.

The Son and Heir of a Duke, during his Father's life, is only in courtesie of Speech and Honour called an Earl; and the eldest Son of a Marquis or an Earl, a Lord: But not so in legal Proceedings, or in the King's Courts of Judicature. But the King may at his pleasure create them in the life of their Ancestors into any Degree of Lords of the Parliament. And according to the *German* Custom, all the younger Sons of Dukes and Marquisses are called Lords, but by courtesie only, which Title descends not to their Heirs.

A Duke, or other of the Nobility of a Foreign Nation, doth come into this Land by the King's safe Conduct, in which said Letters of safe Conduct he is named a Duke according to his

Creation, yet that Appellation maketh him not a Duke, &c. to sue, or be sued by that Name within this Realm, but is only so by Reputation.

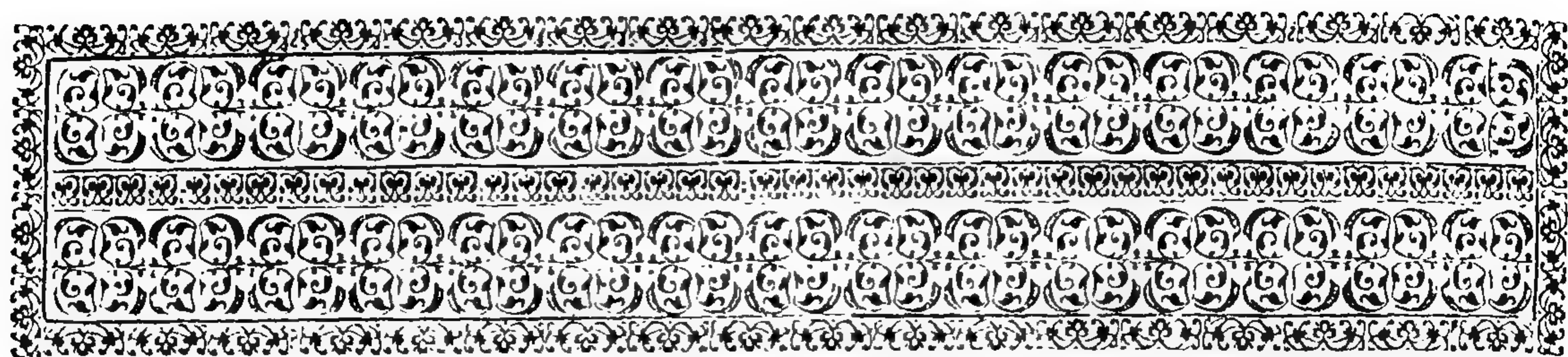
But if the King of *Denmark*, or other Sovereign King come into *England* under safe Conduct, he, during his abode here, ought to be styled by the Name of King, and to retain his Honour, although not his Regal Command and Power. And in this case may be observed by the way, That no Sovereign King may enter into this Realm without Licence, though he be in a League.

All the younger Sons of the Kings of *England* are of the Nobility of *England*, and Earls by their Birth without any other Creation.

And if an *English* Man be created Earl of the Empire, or some other Title of Honour by the Emperor or other Monarch, he shall not bear that Dignity in *England*, but is only an Earl in Reputation.

A Lord or Peer of *Scotland* or *Ireland* is not of the Nobility or Peerage of *England* in all Courts of Justice, although he is commonly reputed a Lord, and hath Privilege as a Peer.





O F  
KNIGHTHOOD  
I N  
G E N E R A L.

C H A P. XVI.



ALTHOUGH I am not of the Opinion of some that vainly derive the Order of Knighthood from St. Michael the Archangel, whom they term the *primier Chevalier*; yet I may say that it is near as ancient as Valour and Heroick Vertue, and may derive its Original from *Troy*, which bred many Noble and Renowned Knights; amongst which were *Hector*, *Troilus*, *Aeneas*, and *Antenor*. So among the *Greeks* were *Agamemnon*, *Menelaus*, *Peleus*, *Hercules*, *Diomedes*, *Telamon*, *Ulysses*, and several others, whose Military and Heroick Acts purchased unto them a never dying Fame. And the *Romans* took so great care for the cherishing and advancement of Heroick and Military Vertue and Honour, that they erected and dedicated Temples to Vertue and Honour; and from the Infancy of their Military Glory they instituted a Society of Knights, which consisted of a select Number. And some there are that plead to have Knighthood take its rise from *Romulus*: For, say they, that *Romulus* having settled his Government in *Rome*, partly for Security, and partly for Magnificence, erected or inrolled three Bands or Centuries of Knighthood or Horsemen; the first he called *Romene* from his own Name; the second *Titence* from *Titus Tacitus*; and by the third *Lancia*, whereof mention is made by *Livy*.

And this Inrollment consisted of Three hundred stout and personable Men, chosen out of the chieftest Families, and were to attend him as his Life-guard, both in Peace and War, and were called *Celeres*, or *Equites* from their personal Valour and dexterity in Martial Affairs.

And to add to the Honour of Knighthood, the *Romans* oft-times made the Knights Judges for the management of their Civil Affairs, yet continued they of the Equestrian Order.

The *Romans* called their Knights *Milites*, or *Miles*, and *Equites*, or *Equites Aurati*; the *Italians* and *Spaniards*, *Cavalieri*; the *French*, *Chevaliers*; and the *English*, *Knights*.

The Addition of *Sir* is attributed to the Names of all Knights, as *Sir John*, *Sir Thomas*, and the like. And to Baronets the said Addition of *Sir* is granted unto them by a peculiar Clause in their Patents of Creation, although they are not dubbed Knights.

No Man is born a Knight of any Title or Degree whatsoever, but made so; either before a Battel, to encourage him to adventure his Life; or after the Fight, as an Advancement to Honour for their valiant Acts. And although Knighthood, according to its first Institution, was only a Military Honour; yet of latter Days, it hath been frequently seen, that meritorious Persons in Civil Affairs have this Degree of Honour conferred upon them. Nor are Kings, Princes, or Potentates



at any time limited or confined their bestowing this Dignity, being at all times free to bestow it on whomsoever they shall in their Princely Favour think worthy to be advanced to the said Honour, either for their Merit, Birth, or Estate.

The Ensigns or Ornaments belonging to Knight-hood are many, each Country or Kingdom having those peculiar to it self : I shall name some of the chief.

To the Knights of the Equestrian Order amongst the ancient *Romans* was given a Horse, or a Gold Ring. The *Germans* gave the Badge of the Shield and Launce. The *French* anciently gave also the Shield and Launce, (as *Favin* notes) but since they used the Equestrian Target.

Another Knightly Ornament is the Military Belt, first made of Leather, which afterwards came to be richly adorned with Gold and precious Stones ; and to this Belt was added a Sword. Other Ornaments were gilt or golden Spurs, and golden Collars of SS. But these have been for a long time laid aside, and instead thereof is only used Dubbing with a naked Sword to Knights

Batchelors, which I shall speak of when I treat of Knights Batchelors.

Many have been, and yet are, the Degrees and Order of Knighthood in Christendom, each Kingdom having some appropriated to themselves : Which though many of them are now extinct ; yet I shall touch upon them, as I find them Recorded by Sir *William Segar* in his Volume of *Honour Military and Civil*, and by *Elias Ashmole*, Esq; in his incomparable Volume of the *Order of the Garter*, to which I refer the Curious Reader for his further satisfaction. And of these Degrees or Orders I shall first treat of those used amongst us, beginning with that of the most Noble Order of the Garter ; next with the Knights Bannerets ; then with Batonets, this being their proper place according to precedency, although something improper, as not being of any degree of Knighthood ; next with Knights of the Bath ; then with Knights Batchelors ; and so conclude with those Degrees of Knighthood in Foreign Kingdoms and Countries.



KNIGHTS





# KNIGHTS

Of the most Noble

## ORDER of the GARTER,

O R

## S<sup>T</sup>. GEORGE.

### C H A P. XVII.

**I**T was the Custome and Policy of puissant Princes in all Ages to invite and secure to themselves Persons of Renown, and such Heroick Spirits were encouraged with Remarks of Honour, (*viz.* eminent Privileges of Place, different Habits, and additional Titles) to distinguish them from the Vulgar, besides other opulent Rewards: And amongst those Persons, the more eminent or excellent of merit were placed in a Superior Orb, that their Glory might be the more splended to the World. Such were King *David's* mighty Men, the *Satrapæ* of *Persia*, the Orders Military amongst the *Romans*, and the many Institutions of Knighthood in Christendome: But of all Orders purely Military now extant, I must prefer this of *St. George*, which we call the Garter; not only because it is our own Nation, or that none are commonly admitted but Peers, but for the Excellency of it self.

First, for its Antiquity; Secondly, for its glorious Institution by that Renowned King *Edward*; And Thirdly, for the many Emperors, Kings, and Princes that have been admitted into the said Fraternity.

*First*, I find it agreeable to all Histories, that 'twas instituted by King *Edward* the Third, Anno 1350. which was fifty Years before the Instituting the *French* Order of *St. Michael* by *Lewis* the Eleventh; Two hundred twenty nine Years before *Henry* the Third devised the new Order of the *Holy Ghost*; full Eighty Years before the Order of the *Golden Fleece* was instituted by *Philip* the Good of *Burgundy*; One hundred and ninety Years before King *James* the Fifth refined the Order of *St. Andrew* in *Scotland*; and about Two hundred and nine Years before the Kings of *Denmark* began the Order of the *Elephant*; which gives it clearly the pre-eminence before other Orders in point of Antiquity.

For the Occasion of the pristine Institution you must know, King *Edward* the Third having engaged



gaged himself in a War with *France* (for the obtaining of that Crown which descended on him in right of his Mother) thought fit to allure to his Party all such Gallant Spirits as were Friends to *Bellona*; and to that end erected a round Table in the Castle of *Windsor* in imitation of King *Arthur's* at *Winchester*, where they were exercised at Tilts and Tournaments, and Royally entertained with magnificent Feasts and other Princely Favours to engage them unto him. But *Philip* of *Vallois*, who was in actual possession of the Crown of *France*, countermined him by erecting a like Table in his own Court, whereby he drew away many from King *Edward*, so that being disappointed in that Project, and yet proving Victorious in his Arms against *France* and *Scotland*, at his Return he rewarded the most eminent of those Heroick Knights that had born the brunt of the Day, and persevered in their Loyalty, with this Noble Order, which consisted of Six and twenty, of which himself was one; being all Persons of choice Endowments, of great renown in Chivalry, and such as should be bound by Oath and Honour to adhere unto him. And upon the death of any one of them, the place was to be supplied by another, elected by the King and his Successors, who are Sovereigns of the said Order, with the consent of the Fraternity; but now the Election is at the entire pleasure of the King.

There are many Articles confirmed unto them, to which all that are enstalled Subscribe, besides the forementioned Oath, *viz.* that whilst they shall be Fellows of the Order they will defend the Honour, Quarrels, Rights and Lordships of the Sovereign; that they will endeavour to preserve the Honour of the said Order, and all the Statutes made for the same, without Fraud or Covin, *Quinam perjurati*.

It is also esteemed most Honourable, there having been more Emperors, Kings, and Foreign Princes of this one Order, than of all others in a manner in the World; which Honour is obtained by keeping precisely to the primitive Number, never exceeding Six and twenty; whereas all others of this kind have been so frankly communicated unto all Pretenders, that at last they lost their Lustre and Esteem in the World. Of this Order there hath been no less than eight Emperors, seven Kings of *Portugal*, two Kings of *Scots* before the Union, five Kings of *Denmark*, three of *Naples*, one of *Poland*, and two of *Sweden*, besides many Foreign Sovereign Princes of *Italy*, *Germany*, &c. The Order and Institution being Honourable, and by many Learned Pens sufficiently cleared from the Envy of *Froysart*, and other *French* Men; as also from the Folly of *Polydore Virgil*, who favours the Romantick Story of the fair Countess of *Salisbury*, who being a dancing with the said King *Edward*, let fall her Garter, which the King took up and tied about his Leg; at which the Queen being jealous, he gave this Motto, *Honi soit qui mal y pense*, that is, Evil be to him that Evil thinks.

The Patron of this Order is *St. George*, a Man of great Renown for Chivalry; he suffered Martyrdom at *Lydda* under *Dioclesian*, fifth Mr. *Selden*; supposed by Dr. *Helyn* to have been martyred at *Nicomedia*, the principal Seat then of the Eastern Empire; and by others at *Diosprilia* or *Lyddea* in *Palestine*, where he is said to be interred; whose Fame was so great in the World, that many Temples and Monasteries were dedicated to him in the Eastern Countries, from whence his Esteem came into *England*, who celebrated to his Memory the Three and twentieth of *April* with the rest of the Universal Church: But how long he has been honoured as Patron and Protector of *England* is disputable; Mr. *Selden* concludes before the Conquest; And 'tis no marvel (saith he) that so warlike a People should make choice of such a Soldier-Saint, known by the particular Name of *Trophephorus*, of greater Eminency in both the Eastern and Western Churches than any other Soldier-Saint. To this Tutelary Saint or Patron of Martial Men King *Edward* commends himself and his Companions, called *The Knights of St. George*: And having both beautified and enlarged his Castle at *Windsor* to be the Royal Seat of this Order, he caused a solemn Proclamation to be made in *France*, *Spain*, &c. to invite all Military Spirits to attend those Tilts and Tournaments which were intended to be kept, not only on *St. George's* Day then next ensuing, which was designed for the Day of Institution, but for fifteen Days before, and as many after; and that the Memory of *St. George* might be still continued, he gave them for a part of their daily Habit the Image of *St. George* encountering with the Dragon or Devil, inclosed with Pearls and precious Stones, appendant to a blue Ribon, continually to be worn about their Necks.

As for the Habit of this Order, besides the *George* and Ribon before mentioned, and a Garter enamelled with Gold, Pearl, and precious Stones, with the Motto, *Honi soit qui mal y pense* embroydered upon it, which is fastned about the left Leg with a Buckle of Gold, from whence they were called *Knights of the Garter*, and without these two Ornaments none of these Knights are to appear in publique. There also properly belonging to this Order a Caslock of crimson Velvet, lined with white Sarsnet, on the left Shoulder, whereof is an Escoccheon of *St. George* embroidered with a Garter, within the Motto: The Escoccheon is, *Argent*, a Cross, *Gules*. But these to be worn only upon *St. George's* Day, and when it shall please the Sovereign to celebrate the Ceremonies of the Installations. To each Knight belongs a Collar of the Order made of pure Gold, weighing thirty Ounces of *Troy* weight, composed of Garters and Roses, enamelled with Roses red and white; and since the coming of King *James*, there hath been an intermixture of *Thistles*; the Image of *St. George* enriched with precious Stones appendant to it, to be worn over all the Robes at *St. George's* Feast, and over their ordinary Cloaks, upon all such Days on which the



the Sovereign is bound by Statute to make Offerings. Also besides these Robes and Ornaments appointed by the Founder, it was ordered by King *Charles* the First, That all Knights should ordinarily wear upon their Cloaks or Coats, on the left Side, a Star of Silver imbroidery, with the Escoccheon of *St. George* within the Garter, &c. in the Center of it. But the Habit doth more lively appear by the Pourtraiture representing the Habit of the said Order.

In some of these Habiliments these Knights are attired in publick, as the diversity of the Occasion requireth ; but always in their stateliest Robes and richest Collars when the Solemnities of the Order are to be performed, that is, the celebrating of *St. George's* Feast, and in the Act of their Installations, in the Free Chappel of *St. George*, built within the Verge and Limits of the Castle, at the Foundation whereof was appointed a Dean, Prebends, and poor Gentlemen established, to be maintained with Stipends, by the Name of Knights (*or poor Knights*) of *Windsor*, who have provided for them Robes of Cloath according to them of their Order, who are to pray for the Order. Concerning the Ceremony of Installation you are to know, that every Knight is bound to fasten an Escoccheon of their Arms on a Plate of Metal on their several Stalls, with an Inscription of their Names, Titles, and Honour, which they remove as they are advanced in order higher. And in this Order they also advance their Banners, Swords and Helms, which are continually over their Stalls during their being of that Order, that Plate of their Arms being left unto the Stall in which they last sat; the Hatchment taken down to make room for such as succeed unto the deceased or higher removed Knights, touching which they are placed according to the Seniority of their Creations, and not according to their Dignities and Titles of Honour ; so that sometimes a Knight Batchelor hath place before an Earl or Duke ; as not long since *Sir Henry Lea* Knight, Keeper of the Armory, had precedency of the Duke of *Lenox*, besides Earls and Barons : Only in honour to Strangers who are Sovereign Princes, or Sons or Brothers to such, it is permitted by the Rule of Order that they take place according to the Quality of these Persons ; but this by a late Indulgence. Anciently if a King crowned came in place of a Knight Batchelor, he sat there without any difference ; but this Alteration was made, as 'tis supposed, by King *Henry* the Seventh, in reference to Foreign Princes ; the rest continue in their Stalls where first seated ; so that the Sovereign reserved to themselves the Power once in their Lives (so saith the Statute) to make a general translation of all the Stalls, except of Emperors and Foreign Princes, which Order continues to this Day.

Much may be said in honour of this Noble Order : But it being so well and accurately treated of by that great Antiquary *Elias Asmole* Esq; in a large Volume in Folio lately published by him, entituled *The Institution, Laws, and Ceremonies of the most Noble Order of the Garter*, that no-

thing more can be said thereof, which he hath illustrated with great variety of useful and ornamental Sculptures ; I shall therefore conclude by setting down the Heads of the several Chapters and Sections by him so learnedly treated of, recommending to the Reader the said Volume as a Work fit to adorn and enrich the Libraries of the most Curious.

The first Chapter treats of Knighthood in general, which is divided into ten Sections.

Chap. II. Of the Religious Orders of Knighthood in Christendom, divided into five Sections.

Chap. III. Of Military Orders of Knighthood, in three Sections.

Chap. IV. Treats of the Castle, Chappel, and Colledge of *Windsor*, in eight Sections : 1. Of the Castle ; 2. Of the Chappel ; 3. The Foundation of the Colledge ; 4. Of the Dean, Canons, Clerks and Choristers ; 5. Of the Poor Knights ; 6. Of other Officers of the College ; 7. Of the Endowment of the College ; And 8. of the Privileges of the Chappel and College.

Chap. 5. Treats of the Institution of the Order, in five Sections : 1. The Opinions concerning the Occasion of its Institution ; 2. The true Cause inserted ; 3. The Time of its Institution ; 4. Of the Patrons of the Order ; And 5. the Honour and Reputation thereof.

Chap. VI. Treats of the Statutes and Annals of the Order, in four Sections : 1. Of the Statutes and Institutions ; 2. Of those other Bodies of Statutes since established ; 3. The Endeavours for the reforming the Statutes since King *Henry* the Eighth ; And 4. of the Annals of the Order.

Chap. VII. Treats of the Habit and Ensigns of the Order, in ten Sections : 1. Of the Garter ; 2. Of the Mantle ; 3. Of the Surcoat ; 4. Of the Cap and Hood ; 5. The Robes anciently assigned to the Queen and great Ladies ; 6. The Collar in general ; 7. The Collar of the Order ; 8. The Collar of SS ; 9. The lesser *George* ; And 10. when the Habits, in whole or in part, ought to be worn.

Chap. VIII. Treats of the Officers appointed for the Service of the Order, in seven Sections : 1. The Prelat's Institution, his Oath, Robes and Privileges ; 2. The Institution of the Chancelor's Office, with his Oath, Badge, and Pension ; 3. The Register's Institution, with his Oath, Mantle, &c. 5. The Institution of the Black Rod's Office, with his Oath, Habit, &c. 6. The payment of the Officers Pensions upon the new Establishment ; And 7. The Execution of these Offices by Deputies.

Chap. IX. Treats of the Election of a Knight into this Order, in eighteen Sections : 1. Of Summons to the Election ; 2. The Place of the Assembly ; 3. The Number of the Knights ; 4. The Dispensation for want of a full Number ; 5. Of opening the Chapter ; 6. That Knights only present in Chapter ought to nominate ; 7. Of the Number, Qualifications, and Degrees of those Persons to be nominated ; 8. Of the Scrutiny, and



and by whom it ought to be taken ; 9. The time when ; 10. The Order and Manner of it ; 11. The presentation of it to the Sovereign ; 12. His considerations referring to the Qualifications of the Persons to be elected ; 13. Of other Inducements for Election ; 14. The Sovereign only Electeth ; 15. The Sovereign only Electeth ; 16. The Scrutiny ought not to be entred amongst the Annals ; 17. The Scrutiny ought not to be viewed until it be entred ; 18. Of Scrutinies taken, yet no Election made ; And 19. the Penalties inflicted on Knights Companions who appear not at the Election.

Chap. X. Treats of the Investiture of a Knight-Subject with the *Garter* and *George*, in Six Sections : 1. The Notice given to a Knight-Subject of his Election ; 2. His reception into the Chapter-House ; 3. The Ceremonies of Investiture with the *Garter* and *George* ; 4. Of sending the *Garter* and *George* to an elect Knight-Subject ; 5. The manner of a Knight's Investiture ; And 6. the Allowances and Rewards given to *Garter* King at Arms for his Service in this Employment.

Chap. XI. Of the Preparations for the personal Installation of a Knight, in seven Sections : 1. That Installation gives the Title of Founder ; 2. Of the Time and Place appointed for Installation ; 3. Of Commissions for Installation ; 4. Of Letters of Summons ; 5. Of Warrants for the Livery of the Order ; 6. The Removal of Achievements and Plates ; And 7. Preparations made by Knights Elect.

Chap. XII. Treats of the personal Installation of a Knight-Subject, in eleven Sections : 1. Of the Cavalcade to *Windsor* ; 2. The Offerings in the Chappel on the Eve of the Installation ; 3. The Supper on the Eve ; 4. The Order in proceeding to the Chapter-house ; 5. The Ceremonies performed in the Chapter-house ; 6. The proceeding into the Chaire ; 7. The Ceremonies of Installation ; 8. The Order observed when two or more Knights are installed in one Day ; 9. The Offerings of Gold and Silver ; 10. The grand Dinner at the Installation ; And 11. of setting up the Knight's Achievements.

Chap. XIII. Treats of the Installation of a Knight-Subject by Proxy, in nine Sections : 1. The original cause of making Proxies ; 2. Letters of Procuration ; 3. Qualifications of a Proxy ; 4. Preparations for Installations ; 5. Proceeding to the Chapter-house ; 6. Transactions in it ; 7. Proceeding to the Chaire ; 8. Ceremonies performed there ; And 9. the grand Dinner.

Chap. XIV. Treats of the signification of Election to Strangers, in five Sections : 1. In what time and manner Certificate is made for their Election ; 2. Of Notice given of an Election before sending the Habit ; 3. Notice of Election sent with the Habit ; 4. Certificate of acceptance ; And 5. of an Election not accepted of.

Chap. XV. Treats of the Investiture of Strangers with the Habit and Ensigns of the Order, in four Sections : 1. The time for sending the Habit

and Ensigns unlimited ; 2. Preparations made for the Legation ; 3. The Ceremonies of Investiture ; And 4. Certificates of having received the Habit and Ensigns of the Order.

Chap. XVI. Treats of the Installation of a Stranger by Proxy, in thirteen Sections : 1. Touching the Choice and Nomination of a Proxy ; 2. The Proctor's Qualifications ; 3. His Letters of Procuration ; 4. Of the Proctor's Reception ; 5. The preparations for Installation ; 6. The Proctor's Cavalcade to *Windsor* ; 7. Supper after his arrival there ; 8. Of the proceeding to the Chapter-house ; 9. The Ceremonies performed therein ; 10. Of the proceeding to the Chaire ; 11. The Ceremonies of Installation ; 12. The Proctor's Offerings ; And 13. the Dinner.

Chap. XVII. Treats of the Duties and Fees payable by the Knights-Companions at their Installations, in four Sections : 1. Concerning the Fees due to the College of *Windsor* ; 2. Fees due to the Register, *Garter*, Black Rod, and Officers of Arms ; 3. Fees belonging to others of the Sovereign's Servants ; 4. Fees payable for Strangers.

Chap. XVIII. Treats of the Grand Feast of the Order, in ten Sections : 1. The Grand Feast appointed to be annually kept on St. *George's* Day ; 2. The Anniversary of St. *George* fixed by the Church unto the Three and twentieth of *April* ; 3. St. *George's* Day made *Festum duplex* ; 4. The Place for celebrating the Grand Feast assigned to *Windsor Castle* ; 5. St. *George's* Day kept part from the Grand Feast, and how then observed ; 6. The Grand Feast neglected by King *Edward* the Sixth ; 7. Removed from *Windsor* by Queen *Elizabeth* ; 8. Of prorogation ; And 10. that the Grand Feast ought to be celebrated once every Year.

Chap. XIX. Of preparations for the Grand Feast of the Order, in eight Sections : 1. Of Letters giving notice of the Time and Place ; 2. Of Dispensations for not attending at the Grand Feast ; 3. Of Commissions of Lieutenancy and Assistance ; 4. Warrants for the Removal of Achievements ; 5. Scutcheons of Arms and Styles ; 6. Of adorning the Chappel ; 7. The furnishing of St. *George's* Hill ; And 8. Officers and Servants appointed to attend at the Grand Feast.

Chap. XX. Treats of the Order of the Ceremonies on the Eve of the Grand Feast, in seven Sections : 1. Of the beginning of the Grand Feast ; 2. Of the setting the Proceeding in order ; 3. Of proceeding to the Chapter-house ; 4. Of the opening of the Chapter ; 5. Transactions in the Chapter held before the first Vespers ; 6. The Ceremonies relating to the first Vespers ; And 7. the Supper on the Eve.

Chap. XXI. Treats of the Order of the Ceremonies on the Feast Day, in nine Sections : 1. The proceeding to the Chappel in the Morning ; 2. The proceeding to the second Service ; 3. Of the Grand Procession ; 4. The Order of the said Service ; 5. The Offering of Gold and Silver ; 6. The



6. The Return to the Prefence; 7. Of the Dinner on the Feast-day; 8. The Ceremonies belonging to the second Vespers; And 9. of the Supper on the Evening of the Feast-day.

Chap. XXII. Treats of the Ceremonies observed on the last Day of the Feast, in four Sections: 1. Of proceeding to the Chapter-house in the Morning; 2. Of the elect Knights proceeding into the Choire; 3. Of the Ceremonies performed at Divine Service; And 4. the Diets at some of the Grand Feasts.

Chap. XXIII. Treats of the Observations of the Grand Feast by absent Knights, in five Sections: 1. Absent Knights enjoined to observe the Grand Feast; 2. More particular Directions for their observation thereof; 3. How to be observed in case of Sicknes; 4. In what manner the Feast hath been observed by absent Knights; And 5. Dispensation for absence granted during life.

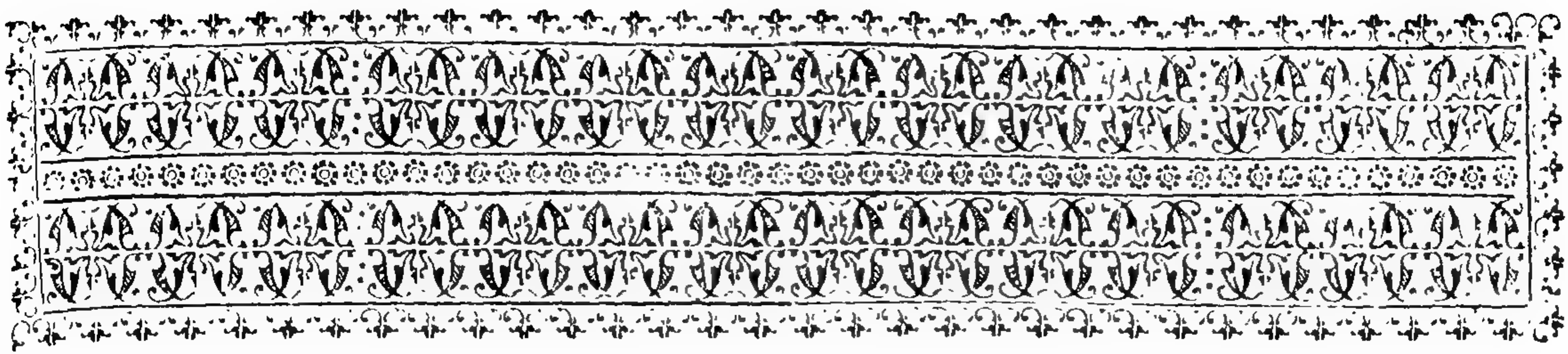
Chap. XXIV. Treats of Degradation of a Knight-Companion, in three Sections: 1. Of the Degradation of a Knight Batchelor; 2. The manner of Degrading a Knight-Companion of the Garter; And 3. of Restauration into the Order after Degrading.

Chap. XXV. Treats of Honors paid to deceased Knights-Companions, in four Sections: 1. Of the celebration formerly of Masses for defunct Knights-Companions; 2. Of fixing on the Stalls Plates of their Arms and Styles; 3. The Offering of Atchievements; And 4. of depositing the deceased Knights Mantles in the Chapter-house.

Chap. XXVI. Treats of the Founder, the first Knights-Companions, and their Successors in four Sections: 1. Of what Number they consisted; 2. A short View of the Founder's Wars; 3. Some Account of the first Five and twenty Knights-Companions; And 4. a Catalogue of their Successors.







O F

# KNIGHTS Bannerets.

## C H A P. XVIII.

**T**HIS Degree of Knighthood, called by some *Equites Vexillarii*, or *Chevaliers à Banier*, is a most ancient Order, having been used in England ever since King Edward the First; and hath been always conferred on most deserving Persons for their signal Valour, as I shall anon take occasion to speak of.

'Tis the Judgment of some Antiquaries, that these Bannerets were once used as a part of the three States of the Realm; and that it was the Custom of Kings heretofore to summon by Writ the Lords Spiritual and Temporal, with such other worthy Persons of this Order as they thought fit to consult about the Publick Affairs of the Kingdom; which Persons thus assembled were then called a Parliament. And that those Bannerets often serving their King and Country, in process of time obtained the Name of Barons, and were admitted into the Peerage, and had their Titles affixed to them and their Heirs. And this was the Usage and Custome of the Saxon Kings to consult their Affairs without the Election of the Commons, as both *Ethelred* and *Edwin* did. But whether this be a Truth, or only Opinion, I leave to others to dispute.

Certain it is, they always retained some Ensigns of Honour equal to the Nobility, being allowed to bear their Arms with Supporters, which is denied to all others under the Degree of a Baron: Also they take place before all Viscounts and Barons younger Sons; as also before all Baronets, and were of such esteem, that divers Knights Batchelors and Esquires have served under them.

This Order in France was Hereditary, but with us only for life to the meritorious Person;

yet esteemed a Glory and Honour to their Family. The Ceremony of their Creation is most Noble: The King (or his General, which is very rare) at the head of his Army (drawn up into Battalia after a Victory) under the Royal Standard displayed, attended with all the Field Officers and Nobles of the Court, receives the Knight led between two renowned Knights or valiant Men at Armes, having his Pennon or Guydon of Arms in his Hand; and before them the Herald, who proclaim his valiant Atchievements, for which he deserves to be made a Knight Banneret, and to display his Banner in the Field; then the King (or General) says unto him, *Advances toy Banneret*, and causeth the point of his Pennon to be rent of; and the new Knight having the Trumpets before him sounding, the Nobles and Officers accompanying him, is remitted to his Tent, where they are nobly entertained.

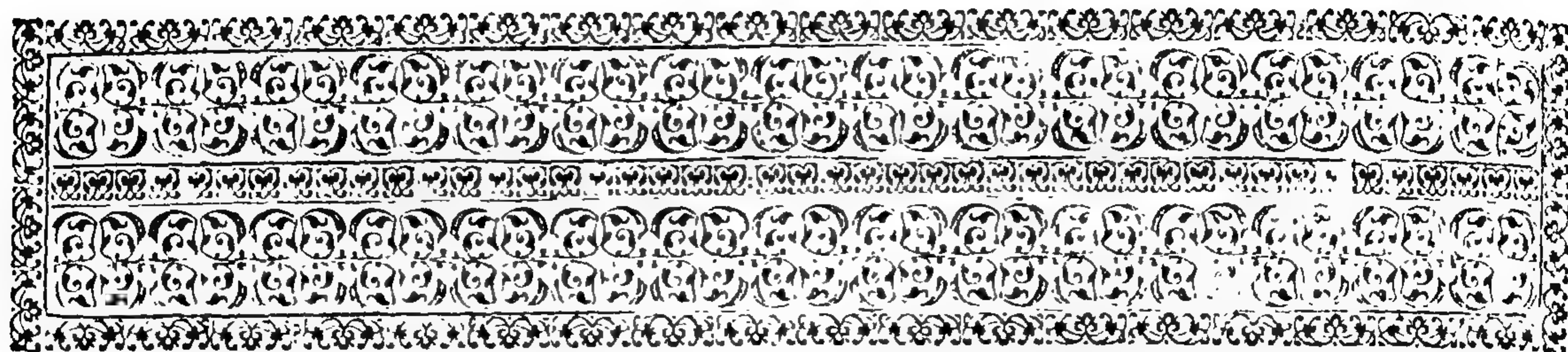
To this degree of Knighthood doth belong peculiar Robes and other Ornaments at their Creation.

A Banneret thus made may bear his Banner displayed in an Army Royal, and set his Arms thereon with Supporters, as may the Nobles.

Of this Order there is at present none extant; and the last I read of was Sir *John Smith*, made so after *Edgbill* fight (for rescuing the King's Standard from the Rebels in that Battel) who was afterwards slain in his sad Majesty's Service at *Alresford* in *Hants*hire.

To this degree of Honour Sir *William de la More* (Ancestor to the *Mores* of *More-hall* and *Bank-Hall* in *Lancashire*, Esq;) was advanced by *Edward* the black Prince for his eminent Service done at the Battel of *Poitiers* in France.

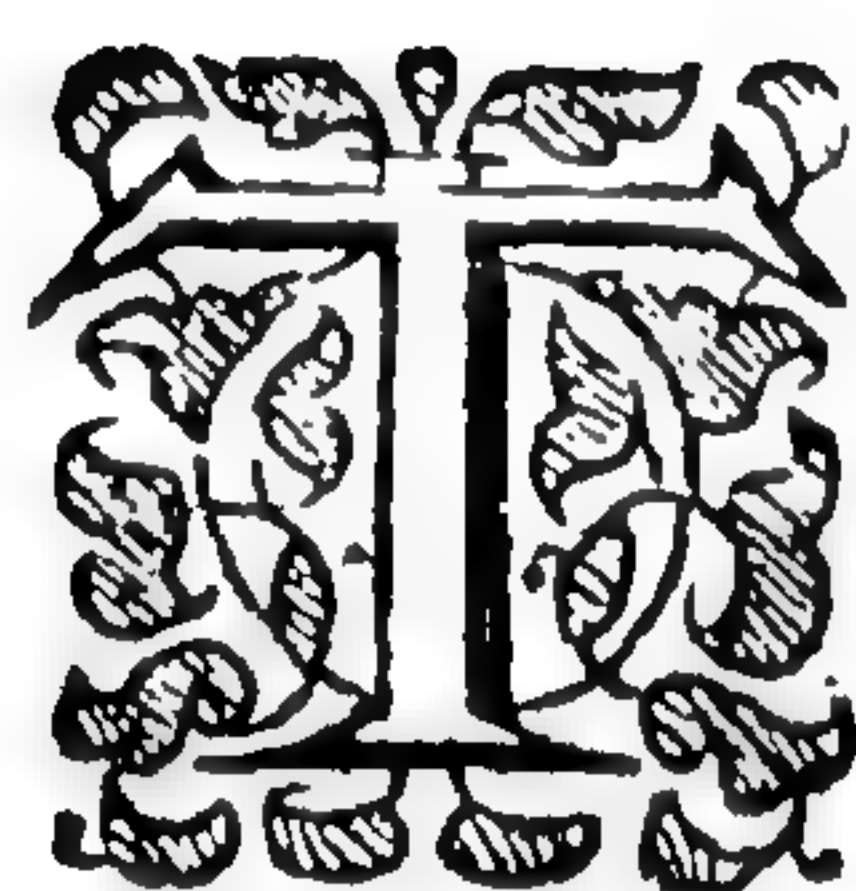




O F

# BARONETS.

## C H A P. XIX.



THE lowest degree of Honour that is Hereditary, is this of Baronets, which was instituted by King *James* in the ninth Year of his Reign, *Anno 1611*. They are created by Patent under the Great Seal, a Form of which I shall here set down, which are generally all of one Form; *viz.* to a Man and the Heirs Males of his Body lawfully begotten; yet sometimes the Honour is otherwise entailed for want of Issue Male. And the Proeme or Argument of the said Patent being for the propagating a Plantation in the Province of *Ulster* in *Ireland*, to which the aid of these Knights were ordained, or for the maintenance of Thirty Soldiers each of them in *Ireland* for three Years, after the rate of eight Pence sterling *per diem*, which at first was payed into the *Exchequer* at a Lump, upon the passing their Patents; which with the Fees of Honour due to Officers, amounted to above One thousand Pounds a Man.

Their Titles are to descend as aforesaid; and they have precedency before all Knights, except those of the Garter, Binnerets and Privy Counsellors: They are styled Baronets in all Writs, Commissions, &c. and the addition of *Sir* is attributed unto them, as the Title of *Lady* is to their Wives.

They are to take place according to the priority of the Date of their Patents, and no Honour is to be created between Baronets and Barons.

At the first instituting of this Order King *James* engaged that they should not exceed Two hun-

dred in Number, and after the said Number should be compleated, if any for want of an Heir Male should be extinct, there should never any more be created in their room, but that the Title should diminish to the Honour of them remaining. But afterwards a Commission was ordained to fill up the vacant Places, who had Instructions also enacted, by which the Commissioners were impowered to treat with others that desired to be admitted into the said Dignity, which is now allowed without limitation; yet with this Proviso, that they be of good Reputation, and descended of a Grandfather at least by the Father's side that bare Arms, and have also a certain Yearly Revenue of One thousand Pounds *per Annum de claro*.

It is also ordained that they and their Descendants, *viz.* their eldest Sons, attaining the full Age of One and twenty Years, may receive Knight-hood; and that they shall in a Canton, or in an Escucheon (which they please) bear the Arms of *Ulster*, *viz.* in a Field, *Argent*, a Sinister Hand coupé at the Wrist, *Gules*. In the King's Army Royal they have place in the gross near the King's Standard, and are allowed some peculiar Solemnities for their Funerals.

Since the first Creation of Baronets in *England*, there hath been several made after the like manner in *Ireland*; as also the Knights of *Nova Scotia* in the *West-Indies* by King *James* upon the like Design, that is, for planting that Country by the *Scotch Colonies*, and the Degrees likewise made Hereditary.





*The Effigies of the most Hon.<sup>ble</sup> Earle of Worcester. L.<sup>d</sup> Herbert, Gover; Lord President and L.<sup>d</sup> Marches Lord Leivtenant of the and Monmouth, and of the Knight of the most noble one of the Lords of his Ma.<sup>ty</sup>*

*Henry Somerset, Marques and Baron of Chipston Raglon and Leivtenant of Wales, and the Countyes of Gloucester, Herefor<sup>e</sup> Gilly and County of Bristol. order of the Garter, and most Hon.<sup>ble</sup> Privy C.<sup>o</sup>*





*The Portrature and Coate Armour of S<sup>r</sup> William de la More  
Ancestor to y<sup>e</sup> present S<sup>r</sup> Edm<sup>r</sup> More of Morechull and Bankehall  
in Lancashire Baronet w<sup>ch</sup> s<sup>d</sup> S<sup>r</sup> Will<sup>m</sup> was made K<sup>t</sup> Banneret  
by Edm<sup>r</sup> y<sup>e</sup> Black Prince at y<sup>e</sup> Battle of Poictiers in France*





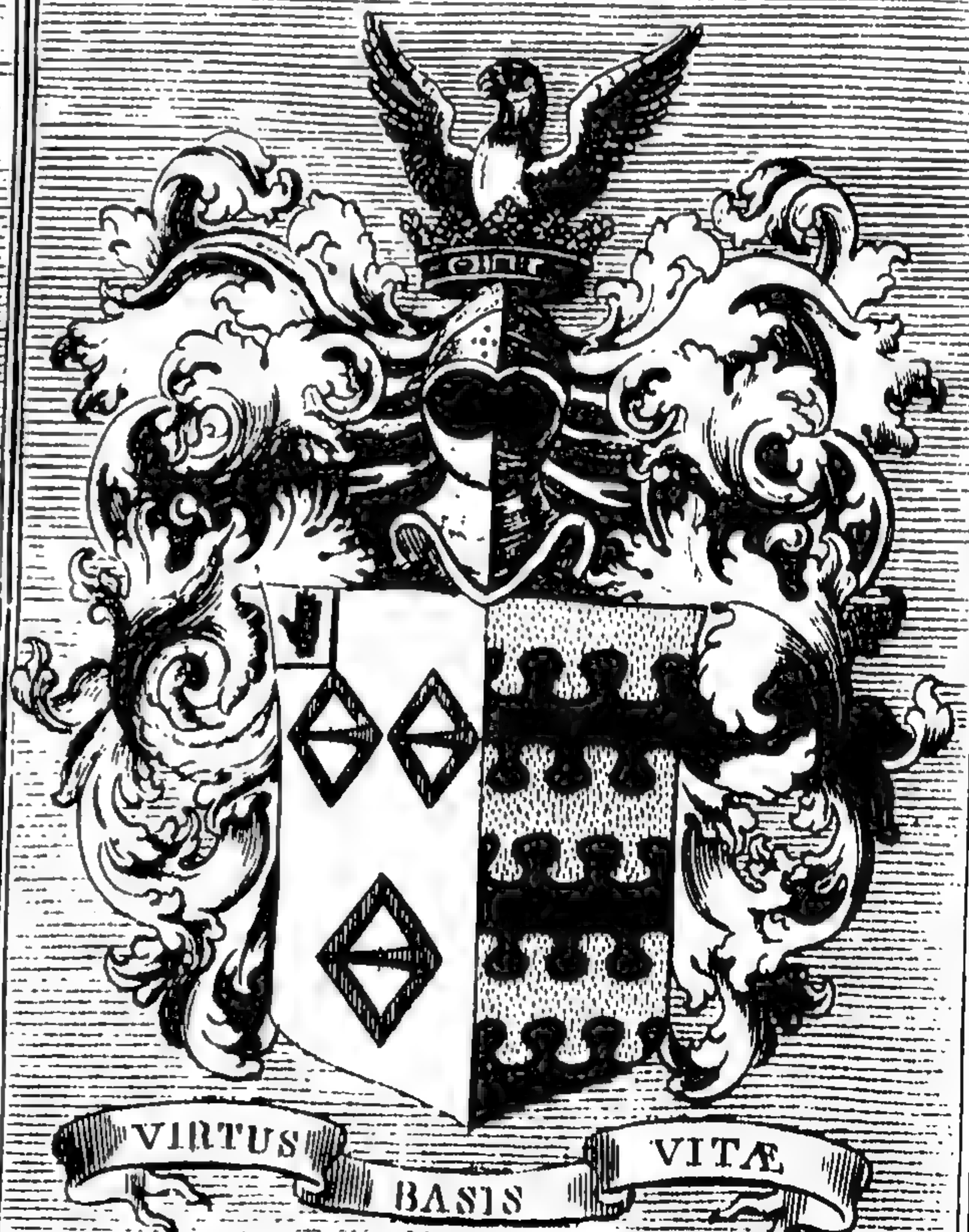
*Sr Will<sup>m</sup> Hardres,  
of Hardres-Court in the County of Kent,  
Bar<sup>t</sup>.*



*Sr Rich<sup>d</sup> Corbett  
of Longner in the County of Salop,  
Bar<sup>t</sup>.*



*Sr H. Mucher  
of Borne Place in the County of Kent,  
Bar<sup>t</sup>.*



*Sr Francis Ternegan  
of Cosey in the County of Norfolk,  
Bar<sup>t</sup>.*



## Baronets



*S<sup>r</sup> Philip Sindenham*  
*of Brumpton Elvetry in the County of Somers<sup>r</sup> Bar<sup>t</sup>*



*S<sup>r</sup> Thomas Daeth*  
*of Knowlton in the County of Kent Baronet.*



*S<sup>r</sup> Fisher Tench Baronet.*  
*of Low Laton Essex.*



*S<sup>r</sup> John Rous Bar<sup>t</sup>*  
*of Benham Hall in the County of Suffolk*



*S<sup>r</sup> Thomas Charles Baronet.*



*S<sup>r</sup> Theodore Tansley K<sup>t</sup> & Baronet*  
*of Wimbledon in the County of Surrey*





By the King.

THE  
INSTRUCTIONS  
Within mentioned to be observed by Our  
COMMISSIONERS  
WITHIN NAMED.

**F**OR AS MUCH as We have been pleased to authorize you to treat and conclude with a certain number of Knights and Esquires, as they shall present themselves unto you with such Offers of Assistance for the Service of Ireland, and under such Conditions as are contained in these Presents, wherein We do repose great Trust and Confidence in your Discretions and Integrities, knowing well, that in such Cases there are so many Circumstances incident, as require a choice care and consideration: We do hereby require you to take such course as may make known Abroad both Our purpose, and the Authority given unto you, That by the more publick Notice thereof, those Persons who are disposed to advance so good a Work, may in time understand where and to whom to address themselves for the same; For which purpose We require you to appoint some certain Place and Times for their access: Which We think fittest to be at the Council Chamber at Whitehall, upon Wednesdays and Fridays in the Afternoon, where you shall make known to them (as they come) that those who desire to be admitted into the Dignity of Baronets, must maintain the

Number of Thirty Foot Soldiers in Ireland, for three Years, after the rate of eight Pence sterling Money of England by the Day; And the Wages of one whole Year to be paid into Our Receipt, upon the passing of the Patent.

Provided always, that you proceed with none, except it shall appear unto you upon good Proof, that they are Men for Quality, state of Living, and good Reputation, worthy of the same; And that they are at the least descended of a Grandfather by the Father's side that bare Arms; and have also of certain yearly revenue in Lands of inheritance of possession, One thousand Pounds per Annum de claro; or Lands of the old Rent, as good (in Accompt) as One thousand Pounds per Annum of improved Rents, or at the least two parts in three parts to be divided of Lands, to the said Values in possession, and the other third part in reversion, expectant upon one Life only, holding by Dower or in Joynture.

And for the Order to be observed in ranking those that shall receive the Dignity of a Baronet, although it is to be wished, that those Knights which have now Place before other Knights (in respect of the time of their Creation) may be ranked before others (Ceteris paribus) yet because  
this



this is a Dignity which shall be Hereditary, where- in divers Circumstances are more considerable, than such a Mark as is but Temporary (that is to say of being now a Knight, in time before another) Our Pleasure is, you shall not be so precise, in placing those that shall receive this Dignity, but that an Esquire of great Antiquity and extraordinary Living, may be ranked in this Choice before some Knights. And so (of Knights) a Man of great living, more remarkable for his House, Years, or Calling in the Common-wealth, may be now preferred in this Degree, before one that was made a Knight before him.

Next, because there is nothing of Honour, or Value, which is known to be sought or desired (be the Motives never so good) but may receive Scandal from some, who (wanting the same good Affection to the Publick) or being in other considerations incapable, can be contented out of Envy to those that are so preferred, to cast Aspersions and Imputations upon them; As if they came by this Dignity for any other consideration, but that which concerneth this so publick and memorable a Work, you shall take Order, That the Party who shall receive this Dignity, may take his Oath, that neither he (nor any for him) hath directly or indirectly given any more for attaining the Degree, or any Precedency in it, than that which is necessary for the maintenance of the Number of Soldiers, in such sort as aforesaid, saving the Charges of passing his Patent.

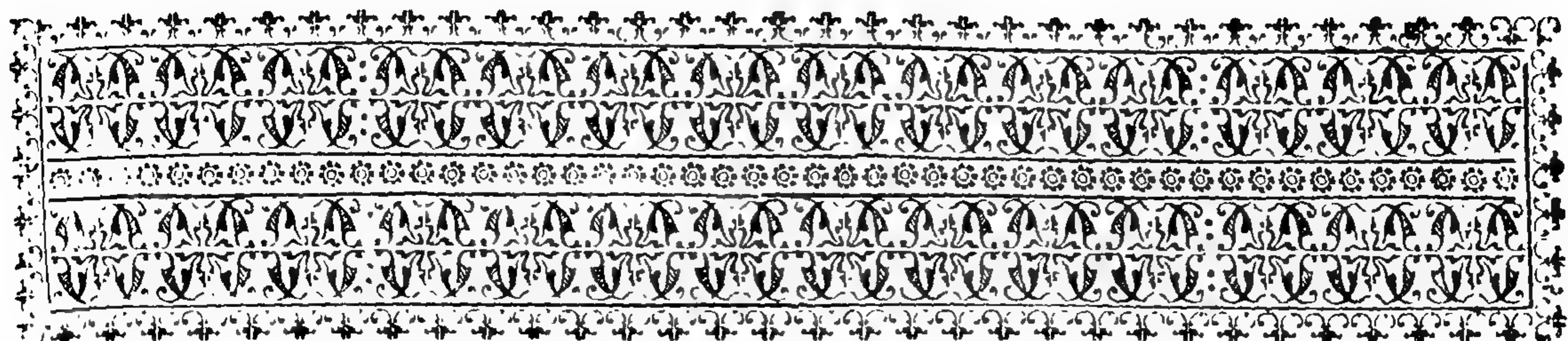
And because We are not Ignorant, that in the distribution of all Honours, most Men will be desirous to attain to so high a place as they may, in the Judgment whereof (being matter of dignity) there cannot be too great Caution used to avoid the interruption that private partialities may breed in so worthy a Competition.

Forasmuch as it is well known, that it can concern no other Person so much to prevent all such Inconveniencies, as it must do Our self, from whom all Honour and Dignity (either Temporary or Hereditary) hath his only Root and Beginning, You shall publish and declare to all whom it may concern, That for the better Warrant of your own Actions, in this matter of Precedency (wherein We find you so desirous to avoid all just Excepti-

ons) We are determined upon view of all those Patents, which shall be subscribed by you, before the same pass Our Great Seal, to take the especial care upon Us, to order and rank every Man in his due Place; And therein always to use the particular Counsel and Advice that you our Commissioners shall give Us, of whose integrity and circumspection We have so good experience, and are so well persuaded, as We assure Our self, you will use all the best means you may to inform your own Judgments in cases doubtful, before you deliver Us any such Opinion as may lead Us in a Case of this Nature, wherein Our Intention is (by due consideration of all necessary Circumstances) to give every Man that satisfaction which standeth with Honour and Reason.

Lastly, Having now directed you, how and with what caution you are to entertain the Offers of such as shall present themselves for this Dignity, We do also require you to observe these two Things. The one, That every such Person as shall be admitted, do enter into sufficient Bond or Recognizance to Our use, for the payment of that Portion which shall be remaining after the first Payment is made, which you are to see paid upon delivery of the Letters Patents: The other, That seeing this Contribution for so publick an Action is the motive of this Dignity, and that the greatest good which may be expected upon this Plantation, will depend upon the certain Payment of those Forces which shall be fit to be maintained in that Kingdom, until the same be well established, the charge whereof will be born with the greater difficulty, if We be not eased by some such extraordinary means; we require you Our Treasurer of England, so to order this Receipt, as no part thereof be mixed with Our other Treasure, but kept apart by it self, to be wholly converted to that Use to which it is given and intended; And in regard thereof, that you assign it to be received, and the Bonds to be kept by some such particular Person as you shall think good to appoint, who upon the payment of every several Portion, shall both deliver out the Bonds, and give his Acquittance for the same. For which this shall be yours and his the said Receiver's sufficient Warrant in that behalf.





THE  
PRECEDENT  
OF THE  
PATENT  
OF CREATION of  
BARONETS.



EX omnibus ad quos, &c. *Salutem.* Cum inter alias Imperii nostri gerendi curas, quibus animus noster assidue exercetur, illa non minima sit, nec minimi momenti, de Plantatione Regni nostri *Hiberniæ*, ac potissimum *Ultoniæ*, ample & perecelebris ejusdem Regni Provincie, quam nostris jam auspiciis atque armis, feliciter sub obsequii jugum redactam, ita constabilire elaboramus, ut tanta Provincia, non solum sincero Religionis cultu, humanitate civili, morumque probitate, verum etiam opum affluentia, atque omnium rerum copia, quæ statum Reipublice ornare vel beare possit, magis magisque efflorescat. Opus sane, quod nulli progenitorum nostrorum præstare & perficere licuit, quamvis id ipsum multa sanguinis & opum profusione sæpius tentaverint; In quo opere, sollicitudo nostra Regia, non solum ad hoc excubare debet, ut Plantatio ipsa strenuè promoveatur, oppida condantur, aedes & castra extruantur, agri colantur, & id genus alia; Sed etiam prospiciendum imprimis, ut universus hujusmodi rerum civilium apparatus,

manu armata, præfidiis videlicet & cohortibus, protegatur & communiatur, ne qua aut vis hostilis, aut defactio intestina, rem disturbet aut impediat: Cumque nobis intimatum sit, ex parte quorundam ex fidelibus nostris subditis, quod ipsi paratissimi sint, ad hoc Regnum nostrum inceptum, tam corporibus, quam fortunis suis promovendum. Nos commoti operis tam sancti ac salutaris intuitu, atque gratos habentes hujusmodi generosos affectus, aque propensas in obsequium nostrum & bonum publicum voluntates, Statuimus apud nos ipsos nulli rei deesse, quæ subditorum nostrorum studia præfata remunerare, aut aliorum animos atque alacritatem, ad operis suas præstandas, aut impensas in hac parte faciendas, excitare possit; Itaque nobiscum perpendentes atque reputantes, virtutem & industriam, nulla alia re magis quam honore ali atque acui, omnemque honoris & dignitatis splendorem, & amplitudinem, à Rege tanquam à fonte, originem & incrementum ducere, ad cujus culmen & fastigium propriè spectat, novos honorum & dignitatum titulos erigere atque instituere, utpote à quo antiqui illi fluxerint; consentaneum duximus (postulante



jante usu Reipublicæ atque temporum ratione) nova merita, novis dignitatum insignibus rependere: Ac propterea, ex certâ scientiâ & mero motu nostris, Ordinavimus, ereximus, constituimus, & creavimus, quendam statum, gradum, dignitatem, nomen & titulum *Baronetti* (Anglicè *of a Baronet*) infra hoc Regnum nostrum *Angliæ* perpetuis temporibus duraturum. Sciatis modo, quod nos de gratia nostra speciali, ac ex certa scientia & mero motu nostris, ereximus, præfecimus & creavimus, ac per præsentem pro nobis, Hæredibus, & Successoribus nostris, erigimus, præficimus, & creamus dilectum nostrum

de in comitatu virum, familia, patrimonio, censu, & morum probitate spectatum (qui nobis auxilium & subsidium satis amplum, generoso & liberali animo dedit & præstitit, ad manutenendum & supportandum triginta viros in cohortibus nostris pedestribus in dicto Regno nostro *Hiberniæ*, per tres annos integros pro defensione dicti Regni nostri, & præcipue pro securitate plantationis dictæ Provinciæ *Ultoniæ*) ad, & in dignitatem, statum, & gradum *Baroneti* (Anglicè *of a Baronet*) Ipsumque

*Baronettum* pro nobis, hæredibus, & successoribus nostris, præficimus, constituimus & creamus per præsentem, habendum sibi, & hæredibus masculis de corpore suo legitime procreatis imperpetuum. Volumus etiam & per præsentem de gratia nostra speciali, ac ex certa scientia & mero motu nostris, pro nobis, hæredibus, & successoribus nostris concedimus præfato

& hæredibus masculis de corpore suo legitime procreatis, Quod ipse idem

& hæredes sui masculi prædicti habeant, gaudeant, teneant, & capiant locum atque Præcedentiam, virtute dignitatis *Baronetti* prædicti, & vigore præsentium, tam in omnibus Commissionibus, brevibus, literis patentibus, scriptis, appellationibus, nominationibus, & directionibus, quam in omnibus Sessionibus, Conventionibus, Castris & locis quibuscunque præ omnibus militibus, tam de Balneo (Anglicè *of the Bath*) quam militibus Baccilureis (Anglicè *Bachelors*) ac etiam præ omnibus militibus Bannerettis (Anglicè *Bannerets*) jam creatis, vel impofterum creandis (illis militibus Bannerettis tantummodo exceptis, quos sub vexillis regiis, in exercitu regali, in aperto bello, & ipso Rege personaliter præfente, explicatis, & non aliter creari contigerit. Quodque uxores dicti

& Hæredum masculorum suorum prædictorum, virtute dictæ dignitatis maritorum suorum prædictorum, habeant, teneant, gaudeant, & capiant locum & præcedentiam, præ uxoribus omnium aliorum quorumcunque præ quibus mariti hujusmodi uxorum, vigore præsentium habere debent locum & præcedentiam; Atque quod primogenitus filius, ac cæteri omnes filii & eorum uxores, & filiae ejusdem

& hæredum suorum prædictorum respectivè, habeant, & capiant locum & præcedentiam, ante primogenitos filios, ac alios filios & eorum uxores, & filias omnium quorumcunque respectivè, præ quibus patres hujusmodi filiorum,

progenitorum, & aliorum filiorum, & eorum uxores, & filiarum, vigore præsentium habere debent locum & præcedentiam. Volumus etiam, & per præsentem pro nobis, hæredibus, & successoribus nostris, de gratia nostra speciali, ac ex certa scientia, & mero motu nostris concedimus, quod dictus

nominetur, appelletur, nuncupetur, placitet & implacitetur, per nomen

*Baronetti*; Et quod stylus & additio *Baronetti* apponatur in fine nominis ejusdem & hæredum masculorum suorum

prædictorum, in omnibus Literis Patentibus, Commissionibus, & brevibus nostris, atque omnibus aliis Chartis, factis, atque literis, virtute præsentium, ut vera, legitima, & necessaria additio dignitatis. Volumus etiam, & per præsentem pro nobis, hæredibus, & successoribus nostris ordinamus, quod nomini dicti

& hæredum masculorum suorum prædictorum, in sermone Anglicano, & omnibus scriptis Anglicanis, præponatur hæc additio, videlicet Anglicè (*Sir*;) Et similiter quod uxores ejusdem

& hæredum masculorum suorum prædictorum, habeant, utantur, & gaudeant hac appellatione, videlicet Anglicè (*Lady, Madam, & Dame*) respective, secundum usum loquendi. Habendum, tenendum, utendum, & gaudendum, eadem, statum, gradum, dignitatem, stylum, titulum, nomen, locum, & præcedentiam, cum omnibus & singulis Privilegiis, & cæteris præmissis, præfat.

& hæredibus masculis de corpore suo exeuntibus imperpetuum. Volentes & per Præsentem concedentes, pro nobis, hæredibus & successoribus nostris, quod prædictus

& hæredes sui masculi prædicti, nomen, statum, gradum, stylum, dignitatem, titulum, locum & præcedentiam prædictam, cum omnibus & singulis Privilegiis, & cæteris præmissis successive, gerant & habeant, & eorum quilibet gerat & habeat, quodque idem

& hæredes sui masculi prædicti successive *Baronetti* in omnibus teneantur, Et ut *Baronetti* tractentur & reputentur, Et eorum quilibet teneatur, tractetur & reputetur. Et ulterius de uberiori gratiâ nostrâ speciali, ac ex certa scientia & mero motu nostris Concessimus, ac per præsentem pro nobis hæredibus suis masculis prædictis, quod numerus Baronettorum hujus Regni *Angliæ* nunquam posthac excedet in toto, in aliquo uno tempore, numerum ducentorum Baronettorum: Et quod dicti *Baronetti*, & eorum hæredes masculi prædicti respectivè, de tempore in tempus in perpetuum, habebunt, tenebunt, & gaudebunt locos & præcedentias suas inter se, videlicet, quilibet eorum secundum prioritatem & senioritatem Creationis sue *Baronetti* prædicti; quotquot autem creati sunt, vel creabuntur *Baronetti* per literas nostras Patentes, gerentes Datas uno & eodem die, & hæredes sui prædicti, gaudebunt locis & præcedentiis suis inter se secundum prioritatem, quæ cuilibet eorum dabitur, per alias literas nostras patentes in ea parte primo conficiendas, sine impedimento, & non aliter, nec alio modo. Et insuper de abundantiori gratiâ nostrâ speciali, & ex certa scientia & mero



mero motu nostris concessimus, ac per præsentis, pro nobis hæredibus & successoribus nostris concedimus præfato

& hæredibus suis masculis prædictis, quod nec nos, nec hæredes vel successoribus nostri, de cætero in posterum erigemus, ordinabimus, constituemus, aut creabimus infra hoc Regnum nostrum *Angliæ* aliquem alium gradum ordinem, nomen, titulum, dignitatem, sive statum sub vel infra gradum, dignitatem, sive statum, *Baronum*, hujus Regni nostri *Angliæ*, qui erit vel esse possit superior, vel æqualis gradui & dignitati *Baronettorum* prædictorum, sed quod tam dictus

& hæredes sui masculi prædicti, quam uxores, filii, uxores filiorum & filiae ejusdem

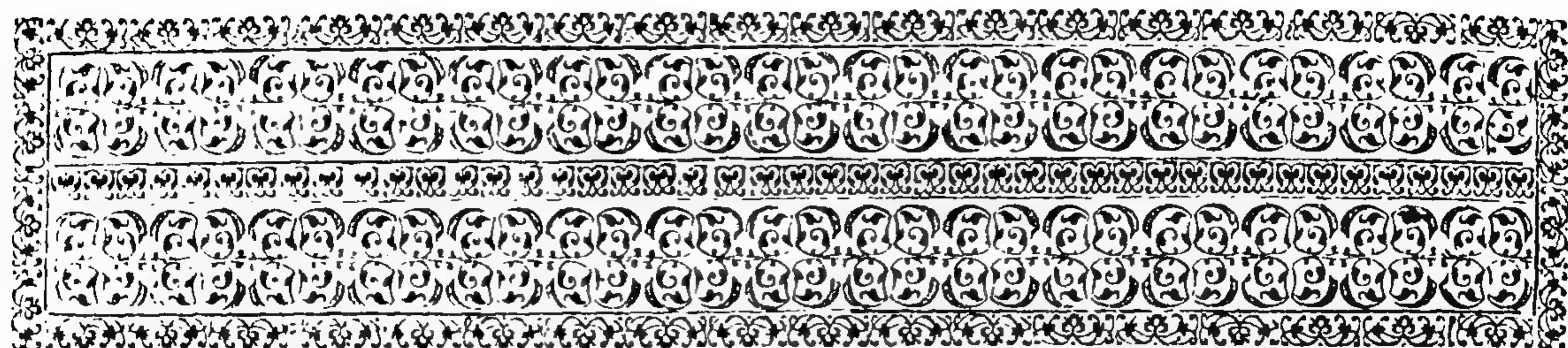
& hæredum masculorum suorum prædictorum, de cætero in perpetuum liberè & quietè habeant, teneant, & gaudeant, dignitates, locos & præcedentias suas prædictas præ omnibus, qui erunt de talibus gradibus statibus, dignitatibus vel ordinibus in posterum, ut præfertur creandi respectivè secundum veram intentionem præsentium absque impedimento nostro, hæredum, vel successorum nostrorum, vel aliorum quorumcunque. Et ulterius per præsentis declaramus, & significamus beneplacitum & voluntatem nostram in hac parte fore & esse; Et sic nobiscum statuimus & decrevimus, quod si postquam nos prædict. numerum ducentorum *Baronettorum* hujus Regni *Angliæ* compleverimus & perfecerimus, Contigerit aliquem, vel

aliquos eorundem *Baronettorum* ab hac vitâ discedere, absque hærede masculino de corpore vel corporibus hujusmodi *Baronetti* vel *Baronettorum* procreato, quod tunc nos non creabimus, vel præficiemus aliquam aliam personam, vel personas in *Baronettum*, vel *Baronettos* Regni nostri *Angliæ*, sed quod numerus dictorum Ducentorum *Baronettorum* ea ratione de tempore in tempus diminuetur, & in minorem numerum cedit & redigetur; Denique volumus, ac per præsentis pro nobis, hæredibus & successoribus nostris de gratia nostra speciali, ac ex certa scientia & mero motu nostris concedimus præfato

& hæredibus suis masculis prædictis, quod hæ Literæ nostræ Patentes erunt in omnibus, & per omnia firmæ, validæ, bonæ, sufficientes & effectuales in lege, tam contra nos, hæredes, & successoribus nostros, quam contra omnes alios quoscunque secundum veram intentionem earundem, tam in omnibus curiis nostris, quam alibi ubicunq; Non obstante aliqui lege, consuetudine, præscriptione, usu, ordinatione, sive constitutione quacunque antehac editâ, habitâ, usitatâ, ordinatâ, sive provisâ, vel in posterum edendâ, habendâ, usitandâ, ordinandâ, vel providendâ: Et non obstante aliqua alia re, causâ vel materiâ quacunq; Volumus etiam, &c. Absque fine in Hanaperio, &c. Eo quod expressa mentio, &c. In cujus rei, &c. Teste, &c.








A  
C A T A L O G U E  
O F T H E  
B A R O N E T S of E N G L A N D,  
From the Institution of that DIGNITY by  
King J A M E S the First.

Anno Dom. 1611. May 22. & Anno Regis  
Jac. 1. 9.

- 1  SIR Nicholas Bacon, Kt.  
of Redgrave in the County  
of Suffolk.  
Gules, on a Chief, Argent,  
two Mulletts pierced,  
Sable.
- 2 Sir Richard Molinex of Sefion in  
Lancashire, Kt. since an Irish Viscount,  
viz. Viscount Molinex.  
Azure, a Cross Moline, Or.
- 3 Sir Thomas Mansel of Margam in  
Glamorganshire, Kt.  
Argent, a Chevron between three  
Manches, Sable.
- 4 George Shirley of Stonnton in the  
County of Leicestershire, Esq; since an English  
Earl, viz. Earl Ferrers.  
Pale of 6, Or and Azure, a Canton,  
Ermine.
- 5 Sir John Stradling of St. Donats in  
Glamorganshire, Kt.  
Pale of 6, Argent and Azure, on a  
Bend, Gules, 3 Cinquefoils, Or.
- 6 Sir Francis Leke of Sutton in the  
County of Derby, Kt. since an English  
Earl, viz. Earl of Scarisdale.  
Argent, on a Saltire engrailed, Sable,  
9 Annulets, Or.
- 7 Thomas Pelham of Loughton in the  
County of Sussex, Esq; English Baron,  
viz. Lord Pelham.

8

Azure, 3 Pellicans Wings elevated  
Argent, vulving themselves, proper.

Sir Richard Houghton of Houghton-  
Tower in Lancashire, Kt.

Sable, 3 Barrs, Argent.

Sir Henry Hobert of Intwood in Nor-  
folk, Kt. (Attorney-General to the  
King) afterwards Lord Chief Justice  
of the Common Pleas.

Sable, a Star between two Flanches  
Ermine.

Sir George Booth of Dunham-Masly  
in Cheshire, Kt. since an English Earl,  
viz. Earl of Warrington.

Argent, 3 Boars-heads erected and  
craised, Sable.

Sir John Peyton of Iselham in Cam-  
bridgeshire, Kt.

Sable, a Cross engrailed, Or, in  
the first Quarter a Mullet, Argent.

Lionel Talmache of Helmingham in  
Suffolk, Esq; since a Scots Earl, viz.  
Earl of Dysart.

Argent, a Frette, Sable.

Sir Gervase Clifton of Clifton in Not-  
tinghamsire, Kt. of the Bath.

Sable, semée of Cinquefoils, and a  
Lion rampant, Argent.

Sir Thomas Gerard of Bryn in Lan-  
cashire, Kt.

Argent, a Saltire, Gules.

Sir Walter Aston of Tixhall in Staf-  
fordshire, Kt. of the Bath, since a  
Scots Baron, viz. Lord Aston.

Argent,



16 Extinct.	Argent, a Fels, and in Chief three Lozenges, Sable. Philip Knevet of Buckenham in Norfolk, Esq;	33 Extinct.	William Constable of Flamborough in Yorkshire, Esq;
17	Argent, a Bend within a Bordure engrail'd, Sable. Sir John St. John of Lidiard Tregoz in Wiltshire, Kt.	34	Quarterly, Gules, and Vaire over all a Bend, Or. Sir Thomas Leigh of Stonely in Warwickshire, Kt. since an English Baron, viz. Lord Leigh.
18	Argent, on a Chief, Gules, two Mulletts, Or. John Shelly of Michel-grove in Sussex, Esq;	35	Gules, a Cross engrailed, and in the first Quarter a Lozenge, Argent. Sir Edward Noel of Brook in the County of Rutland, Kt. since an English Earl, viz. Earl of Gainborough.
19 June 29.	Sable, a Fels engrail'd between 3 Periwinkle-Shells or Welks, Or. Sir John Savage of Rock-Savage in Cheshire, Kt. since an English Earl, viz. Earl Rivers.	36	Or, Fretty, Gules, a Canton, Ermine. Sir Robert Cotton of Conington in Huntingdonshire, Kt.
20	Argent, six Lions rampant, 3, 2, 1, Sable. Sir Francis Barington of Barington-Hall in Essex, Kt.	37 Extinct.	Azure, an Eagle display'd, Argent, being the Arms of Ridware, their proper Arms, Argent, a Bend, Sable, between three Pellets. Robert Cholmondeleigh of Cholmondeleigh in Cheshire, Esq; since an Irish Earl, viz. Earl of Leinster.
21 Extinct.	Argent, three Chevronells, Gules, over all a File of three Lambeaux, Azure. Henry Berkley of Wimundam in Leicestershire, Esq;	38	Gules, in Chief two Helmets, Argent, in Base a Garb, Or. John Mohneux of Teveral in Nottinghamshire, Esq;
22	Gules, a Chevron between ten Cinquefoils, Argent. William Wentworth of Wentworth-Woodhouse in Yorkshire, Esq; since an English Baron, viz. Lord Raby.	39 Extinct.	Azure, a Cross Moline, Or, within a Bordure, Argent. Sir Francis Wortley of Wortley in Yorkshire, Kt.
23	Sable, a Chevron between three Leopards Faces, Or. Sir Richard Musgrave of Hartley-Castle in Westmorland, Kt.	40	Argent, on a Bend between six Martlets, Gules, three Bezants. Sir George Savile, Senior, of Thornhill in Yorkshire, Kt.
24	Azure, six Annulets, 3, 2, 1, Or. Edward Seymour of Bury Pomery in Devonshire, Esq;	41 Extinct.	Argent, on a Bend engrailed, Sable, three Owls of the Field, but upon extinction of the elder Line the Bend was born plain. William Kniveton of Mercaston in Derbyshire, Esq;
25	Gules, two Wings conjoin'd and inverted in Pale, Or. Sir Moyl Finch of Eastwell in Kent, Kt. since an English Earl, viz. Earl of Winchelsea.	42	Gules, a Chevron vaire, Argent and Sable. Sir Philip Woodhouse of Wilbrahal in Norfolk, Kt.
26	Argent, a Chevron between three Griffins passant, Sable. Sir Anthony Cope of Hanwell in the County of Oxford, Kt.	43 Extinct.	Sable, a Chevron, Or, gutteé de sang between three Cinquefoils, Ermine. Sir William Pope of Wilcot in Oxfordshire, Kt. since an Irish Earl, viz. Earl of Downe.
27	Argent, on a Chevron, Azure, between three Roses slipped, proper, as many Fleurs de Lys, Or. Sir Thomas Mounson of Carleton in Lincolnshire, Kt.	44	Parted per Pale, Or and Azure, on a Chevron between three Griffins Heads erased, four Fleurs de Lys, all Counterchanged. Sir James Harrington of Radlington in Rutlandshire, Kt.
28 June 22. 1631.	Or, two Chevrons, Gules. Charles Vavasour of Killingthorp in Lincolnshire, Esq; with a special Clause of Precedency, vide inter 293, and 294.	45 Extinct.	Sable, a Frett, Argent. Sir Henry Savile of Methley in Yorkshire, Kt.
29	Or, a Fels dancetté, Sable. George Gresely of Drakelow, Esq; in Derbyshire.	46 Extinct.	Argent, on a Bend, Sable, three Owls of the first with due difference. Henry Willoughby of Risley in Derbyshire, Esq;
30	Vaire, Ermine and Gules. Paul Tracy of Stanway in Gloucestershire, Esq;	47 Extinct.	Or, on two Barrs, Gules, three Waterbougets, Argent. Lewis Tresham of Rusbton in Northamptonshire, Esq;
31 Extinct.	Or, an Escallop-shell, Sable, between two Bendlets, Gules. Sir John Wentworth of Gosfield in Essex, Kt.	48	Parted per Saltire, Sable and Or, in chief 3 Trefoiles, 2, 1, and in base as many more, 1, 2, Or. Thomas Brudenel of Dean in Northamptonshire, Esq; since an English Earl, viz. Earl of Cardigan.
32	Sable, a Chevron between three Leopards Faces, Or, a Crescent for difference. Sir Henry Bellasis of Newborough in Yorkshire, Kt. since an English Viscount, viz. Viscount Falkenberg.		A a 2 Argent,



- 49  
*Extinct.* *Argent*, a Chevron, *Gules*, between three Morions or Steel Caps, *Azure*.  
Sir George St. Paul of Snarford in Lincolnshire, Kt.
- 50 *Argent*, a Lion rampant, *Gules*, Crown'd, *Or*.  
Sir Philip Tirwit of Stainfield in Lincolnshire, Kt.
- 51  
*Extinct.* *Gules*, three Tirwits or Lapwings, *Or*.  
Sir Roger Dallison of Loughton in Lincolnshire, Kt.
- 52  
*Extinct.* *Gules* three Crescents, *Or*, a Canton, *Ermine*.  
Sir Edward Carr of Sleford in Lincolnshire, Kt.
- 53 *Gules*, on a Chevron, *Argent*, three Mulletts, *Sable*.  
Sir Edward Hufsey of Hennington in Lincolnshire, Kt.
- 54 *Or*, a Cross, *Vert*.  
L'Estrange Mordant of Massingham, Esq; in the County of Norfolk.
- 55 *Argent*, a Chevron between three Estoiles, *Sable*.  
Thomas Bendish of Steeple-Bumsted in Essex, Esq;
- 56 *Argent*, a Chevron, *Sable*, between three Rams Heads erased, *Azure*, (some say armed, *Or*.)  
Sir John Winne of Gudder in Carnarvonshire, Kt.
- 57  
*Extinct.* *Vert*, three Eagles display'd in Fefs, *Or*.  
Sir William Throckmorton of Tortworth in Gloucestershire, Kt.
- 58 *Gules*, on a Chevron, *Argent*, three Barrs gemells, *Sable*.  
Sir Richard Worley of Appledorecomb in Hantsire, Kt.
- 59 *Argent*, a Chevron between three Sparrow-hawks, *Sable*, Bells, *Or*, lined, *Gules*. *Argent*, a Chief, *Gules*, the ancient Coat.  
Richard Fleetwood of Caldwich in Staffordshire, Esq;
- 60  
*Extinct.* Parted per Pale nebulé, *Or* and *Azure*, 6 Martlets counterchanged.  
Thomas Spenser of Tarnton, Esq; in Oxfordshire.
- 61 Quarterly, *Argent* and *Gules*, in the 2d and 3d a Frett, *Or*, over all on a Bend, *Sable*, three Escallop-shells of the First.  
Sir John Tuston of Hothfield in the County of Kent, Kt. now an English Earl, viz. Earl of Thanet.
- 62 *Sable*, an Eagle display'd, *Ermine*, a Bordure, *Argent*; altered from *Azure*, on a Pale, *Sable*, an Eagle display'd, *Ermine*.  
Sir Samuel Peyton of Knowlton in Kent, Kt.
- 63  
*Extinct.* *Sable*, a Cross engrail'd, *Or*, in the first Quarter a Mullet, *Argent*, with due difference.  
Sir Charles Morrison of Cashio-Bury in Hertfordshire, Kt.
- 64  
*Extinct.* *Or*, on a Chief, *Gules*, three Chaplets of the Field.  
Sir Henry Baker of Sissinghurst in Kent, Kt.
- Azure*, on a Fefs, *Or*, between 3 Swans Heads erased, *Argent*, Beaks and gorged with ducal Crowns, *Gules*, as many Cinquefoils of the first. Altered to *Azure*, three Swans Necks erased, *Argent*.  
Roger Appleton of South-hempsted in Essex, Esq;
- 65 *Argent*, a Fefs engrail'd, *Sable*, between three Apples, *Gules*, slipped, proper.  
Sir William Sidley of Aylesford in Kent, Kt.
- 66  
*Extinct.* *Azure*, a Fefs wavy between three Goats Heads erased, *Argent*, some say armed, *Or*.  
Sir William Twisden of East-Pekham in Kent, Kt.
- 67 Parted per Saltire, *Argent* and *Gules*, a Saltire between four Cross Crostlets counterchanged.  
Sir Edward Hales of Wood-church in Kent, Kt.
- 68 *Gules*, three Arrows, *Argent*, barbed and plumbed, *Or*.  
William Monyns of Waldersher in the County of Kent, Esq;
- 69  
*Extinct.* *Gules*, three Crescents, *Or*.  
Thomas Mildmay of Mulsho in Essex, Esq;
- 70  
*Extinct.* *Argent*, three Lions rampant, *Azure*.  
Sir William Maynard of Eastanesparva in Essex, Kt. a Baron of England and Ireland, viz. Lord Maynard.
- 71 *Argent*, a Chevron, *Azure*, between three dexter Hands coupéd and erected, *Gules*.  
Henry Lee of Quarrendon in Buckinghamshire, Esq; English Earl, viz. Earl of Litchfield.
- 72 *Argent*, a Fefs between three Crescents, *Sable*.  
Sir Robert Napier, alias, Sandy of Lewton-Hoo in Bedfordshire, Kt. vide John Napier, March 4. 1660.
- 73 Sept. 24. *Argent*, a Saltire engrail'd between four Roses, *Gules*.  
Paul Bayning of Bentley-Parva in Essex, Esq; English Viscount, viz. Viscount Bayning.
- 74  
*Extinct.* *Argent*, two Barrs, *Sable*, on each as many Escallop-shells, *Or*.  
Sir Thomas Temple of Stow in Buckinghamshire, Kt. now an English Baron, viz. Lord Cobham.
- 75 Quarterly two Coats, the first and fourth, *Or*, an Eagle display'd, *Sable*, the second and third, *Argent*, on two Barrs, *Sable*, six Martlets, *Or*.  
Thomas Peniston of Leigh in the County of Sussex, Esq;
- 76 *Argent*, three Cornish Choughs, proper.  
Anno Domini 1612. & Regis, Jac. 1. 10 Nov. 25.
- 77  
*Extinct.* Sir John Portman of Orchard-Potman in Somersetshire, Kt.  
*Or*, a Fleur de Lys, *Azure*.
- 78 Sir Nicholas Sanderson of Saxby, Kt. Irish Viscount, viz. Viscount Castleton, and since English Baron, viz. Baron Sanderson of Saxby.  
Paly of 6, *Argent* and *Azure*, on a Bend, *Sable*, three Annulets, *Or*. Sir



- 79  
Extinct. Sir Miles Sands of Wilberton in Cam-  
bridgehire, Kt.  
Or, a Fess dancetté between three  
Cross Crostlets, fitché, Gules.
- 80 William Gostwick of Willington in  
Bedfordshire, Esq;  
Argent, a Bend, Gules, between six  
Cornish Choughs, proper, on a Chief  
Azure, three Mulletts, Or.
- 81  
Extinct. Thomas Puckering of Weston, Esq;  
in Hertfordshire.  
Sable, a Bend Lozengy cottised,  
Argent.
- 82 Sir William Wray of Glentworth in  
Lincolnshire, Kt.  
Azure, on a Chief, Or, three Mart-  
lets, Gules.
- 83 Sir William Ailoffe of Braxtedmagna  
in Essex, Kt.  
Sable, a Lion rampant, Or, collar-  
ed, Gules, between three Cross Crost-  
lets of the first.
- 84 Sir Marmaduke Wirvil of Constable-  
Burton in Yorkshire, Kt.  
Gules, three Chevronells braced in  
base Vairé a Chief, Or.
- 85 John Peshal of Horsley in Stafford-  
shire, Esq;  
Argent, a Cross Patcé flory, Sable,  
on a Canton, Gules, a Wolfs Head  
craised of the first.
- 86 Francis Englefield of Wotton-Basset  
in Wiltshire, Esq;  
Barry of 6, Gules and Argent, on a  
Chief, Or, a Lion passant Azure.
- 87 Sir Thomas Ridgway of Torr in De-  
vonshire, Kt. an Irish Earl, viz. Earl  
of London-Derry.  
Sable, two Wings elevated and con-  
joyned, Argent.
- 88  
Extinct. William Essex of Bewcot in Berkshire,  
Esq;  
Barry a Chevron Ermine, between  
three Eagles display'd, Argent, but  
since they bare what was their anti-  
ent Arms, viz. Argent, an Orle,  
Gules.
- 89 Sir Edward Gorges of Langford in  
Hampshire, Kt. an Irish Baron, viz.  
Lord Gorges.  
Argent, a Whirlepoole, Azure.
- 90 Edward Devereux of Castle-Brom-  
wich in Warwickshire, Esq; an English  
Viscount, viz. Viscount Hereford.  
Argent, a Fess, Gules, and in Chief  
three Torteauxes.
- 91 Reginald Mohun of Boconock in the  
County of Cornwall, Esq; English Ba-  
ron, viz. Lord Mohun; the Barony  
Extinct, but the Baronetship in a  
Line collateral.  
Or, a Cross engrail'd, Sable.
- 92  
Extinct. Sir Hambottle Grimston of Bradfield in  
Essex, Kt.  
Argent, on a Fess, Sable, three Mul-  
lets of 6 Points peirc'd, Or, in the  
Dexter Chief Point one Ermine Spot.
- 93 Sir Thomas Holt of Aston near Ber-  
mingham in Warwickshire, Kt.  
Azure, two Barrs, and in Chief a  
Cross Patcé, Or.
- Anno Domini, 1615. & Regis,  
Jac. 1. 13.
- 94 May 17. Thomas Blackston of Blackston in the  
Extinct. Bishoprick of Durham, Esq;  
Argent, two Barrs, and in Chief  
three Cocks, Gules.
- 95 June 10. Sir Robert Dormer of Wing in the  
County of Buckingham, Kt. English  
viz.  
Azure, ten Billets, 4, 3, 2, 1, Or,  
on the Chief of the 2d a demi Lion  
rampant, Sable.
- Anno Domini, 1617. & Regis  
Jac. 1. 15.
- 96 April 5. Sir Rowland Egerton of Egerton in  
Cheshire, Kt.  
Argent, a Lion rampant, Gules, be-  
tween three Pheons, Sable.
- 97 16. Roger Townshend of Ramham in Nor-  
folk, Esq; an English Viscount, viz.  
Viscount Townshend.  
Azure, a Chevron, Ermine, be-  
tween three Escallops, Argent.
- 98 May 1. Simon Clark of Salford in Warwick-  
shire, Esq;  
Gules, three Swords erected in  
Pale, Argent, Hilts, Or, which were  
the Arms of de Wood-church their  
Ancestor.
- 99 October 2. Edward Fitton of Gawsforth in the  
Extinct. County of Cheshire, Esq;  
Argent, a Canton, Gules, on a  
Bend over all, Azure, three Garbs,  
Or.
- 100 March 11. Sir Richard Lucy of Broxburn in  
Extinct. Hertfordshire, Kt.  
Gules, semée of Cross Crostlets, Or,  
and three Lucies hauriant, 2 and 1,  
Argent.
- Anno Domini, 1618. & Regis  
Jac. 1. 16.
- 101 May 25. Sir Matthew Boynton of Bramston in  
Yorkshire, Kt.  
Or, a Fess between 3 Crescents;  
Gules.
- 102 July 25. Thomas Littleton of Frankley in Wor-  
cestershire, Esq;  
Argent, a Chevron between three  
Escallop-shells, Sable.
- 103 Decemb. 24. Sir Francis Leigh of Newnham in  
Extinct. Warwickshire, Kt. English Earl, viz.  
Earl of Chichester.  
Gules, a Cross engrail'd, and in the  
first Quarter a Lozenge, Argent.
- 104 Feb. 25. Thomas Rurdet of Bramote in War-  
wickshire, Esq;  
Azure, two Barrs, Or, on each  
three Martlets, Gules.
- 105 March 1. George Morton of St. Andrews-Mil-  
Extinct. born in Dorsetshire, Esq;  
Quarterly, Gules and Ermine, in  
the 1st and 4th a Goats Head craised,  
Argent.



Anno Domini, 1619. & Regis  
Jac. I. 17.

- 106 May 31. Sir William Harvey of Kidbrook in  
Extinct. Kent, Kt. with remainder to William  
Harvey, his Son, and to the Heirs  
Male of the Body of the said William.  
English and Irish Baron, viz. Lord  
Harvey.  
Gules, on a Bend, Argent, three  
Trefoiles slipped, Vert.
- 107 June 4. Thomas Mackworth of Normanton in  
Rutlandshire, Esq;  
Parted per pale indented Ermine  
and Sable, a Chevron, Gules, fretted,  
Or.
- 108 15. William Grey, Esq; Son and Heir  
Extinct. of Sir Ralph Grey of Chillingham in  
Northumberland, Kt. English Baron  
and Earl, viz. Earl of Tankerville and  
Lord Grey.  
Gules, a Lion rampant within a  
Bordure engrail'd, Argent.
- 109 July 19. William Villiers of brookesby in Lei-  
cestershire, Esq;  
Argent, on a Cross, Gules, five  
Escallops, Or.
- 110 20. Sir James Ley of Westbury in Wilt-  
Extinct. shire, Kt. English Earl, viz. Earl of  
Marlborough.  
Argent, a Chevron between three  
Bears Heads coupéd and crested in  
Bend, Sable.
- 111 21. William Hicks of Beverston in Glou-  
cestershire, Esq;  
Gules, a Fess wavy between three  
Fluurs de Lys, Or.
- 112 Sept. 16. Sir Thomas Beaumont of Cole-Orton  
in Leicestershire, Kt.  
Azure, semée of Fluurs de Lys a  
Lion rampant, Or.
- 113 Novem. 10. Henry Salisbury of Leweny in Den-  
Extinct. bighshire, Esq;  
Gules, a Lion rampant, Argent,  
Crown'd, Or, between three Cres-  
cents of the last.
- 114 16. Erasmus Druden of Canons-Ashby in  
Northamptonshire, Esq;  
Azure, a Lion rampant, and in  
Cheif a Celestial Sphere between two  
Estoiles, Or.
- 115 28. William Armine, Esq; Son and  
Extinct. Heir to Sir William Armine of Osgod-  
ley in Lincolnshire, Kt.  
Ermine, a Saltire engrail'd, Gules,  
and a Cheif of the same, charg'd with  
a Lion passant gardant, Or.
- 116 Decemb. 1. Sir William Bamburgh of Howton in  
Extinct. Yorkshire, Kt.  
Argent, a Pheon, Sable, on a Cheif  
of the 2d, a Lion passant, Silver.
- 117 3. Edward Hartop of Freathby in Ler-  
cestershire, Esq;  
Sable, a Chevron between three  
Otters, Argent.
- 118 31. John Mill of Camoycourt in Sussex,  
Esq;  
Parted per fess, Argent and Sable,  
a Pale and three Bears saliant, 2, 1,  
Counter-changed.
- 119 January 31. Francis Radcliff of Derwentwater in  
Attained. the County of Cumberland, Esq; Eng-  
lish Earl, viz. Earl of Derwentwater.

- 120 Feb. 6. Argent, a Bend engrail'd, Sable  
Sir David Foulis of Ingleby in York-  
shire, Kt.  
Argent, three Edock Leaves crest-  
ed, Vert.
- 121 16. Thomas Phillips of Barnington in So-  
mersetshire, Esq;  
Argent, a Chevron between three  
Roses, Gules.
- 122 March 7. Sir Claudius Forster of Bambrough-  
Extinct. Castle in the County of Northumber-  
land, Kt.  
Argent, a Chevron, Vert, between  
three Bugle-hornes, Sable, garnished,  
Or.
- 123 23. Anthony Chester of Cickley in Buck-  
inghamshire, Esq;  
Parted per Pale, Argent and Sable,  
a Chevron between 3 Rams Heads  
erased (arm'd Or.) within a Bordure  
engrail'd semée of Roundles, all  
counterchanged.

Anno Domini, 1620. & Regis  
Jac. I. 18.

- 124 March 28. Sir Samuel Tryen of Layr-Marney in  
Essex, Kt.  
Azure, a Fess embatteled, Or, be-  
tween six Stars.
- 125 April 1. Adam Newton of Charlton in Kent,  
Extinct. Esq;  
Azure, two Ostrich-Feathers in  
Saltire, between three Boars Heads  
and Necks coupéd, Argent.
- 126 2. Sir John Boteler of Hatfield-Wood-  
Extinct. hall in Hertfordshire, Kt. English Ba-  
ron, viz. Lord Boteler of Bramfield.  
Gules, a Fess Checquy, Argent and  
Sable, between six Crosses Patee of  
the 2d.
- 127 13. Gilbert Gerard of Harrow on the Hill  
in Middlesex, Esq;  
Argent, a Saltire, Gules, with a  
Crescent for difference.
- 128 May 3. Humphrey Lee of Langley, Esq; in  
the County of Salop.  
Gules, billeté, Or, a Fess checquy  
of the 2d, and Azure.
- 129 5. Richard Bereney of Parkhall in Red-  
ham in the County of Norfolk, Esq;  
Parted per Pale, Gules and Azure,  
a Cross engrail'd, Ermine.
- 130 20. Humphrey Forster of Alder-Mawston  
in Berkshire, Esq;  
Sable, a Chevron engrail'd between  
three Arrows, Argent.
- 131 26. Thomas Bigs of Lenbroke in Wor-  
cestershire, Esq;  
Argent, on a Fess, Sable, between  
three Ravens, proper, as many Annu-  
lets, Or.
- 132 30. Henry Bellingham of Helsington in  
Extinct. Westmorland, Esq;  
Argent, three Bugle Horns, Sable,  
garnished, Or.
- 133 31. William Telverton of Rougham in  
Extinct. Norfolk, Esq;  
Argent, three Lions rampant, and  
a Cheif, Gules.
- 134 June 1. John Scudamore of Homelay in He-  
refordshire, Esq; High Viscount, viz.  
Viscount Scudamore.  
Gules, 3 Stirrups with Leathers, Or.



- 135 June 2. Sir Thomas Gower of Stutenham in Yorkshre, Kt. English Baron, viz. Lord Gower.  
Barbuly of 10, *Argent* and *Gules*, over all a Cross Patonce, *Sable*.
- 136 22. John Packington of Alesbury in Buckinghamshire, Esq;  
Parted per Chevron, *Sable* and *Argent*, in Cheif three Mulletts, *Or*, in Base as many Garbs, *Gules*.
- 137 28. Ralph Ashton of Lever in Lancashire, Esq;  
*Argent*, a Mullet pierced, *Sable*.
- 138 July 1. Sir Baptist Hicks of Cambden in Gloucestershire, Kt. English Viscount, viz. Viscount Cambden.  
*Gules*, a Fess wavy between three *Fleurs de Lys*, *Or*, a Crescent for difference.
- 139 3. Sir Thomas Roberts of Glaffenbury in Kent, Kt.  
*Azure*, on a Chevron, *Argent*, three Mulletts, *Sable*.
- 140 8. John Hammer of Hammer in Flintshire, Esq;  
*Argent*, two Lions passant guardant, *Azure*.
- 141 11. Edward Fryer of Water-Eaton in Oxfordshire, Esq;  
*Gules*, an Ear of Wheat crested in Pale between two Flanches, *Or*, each charg'd with another of the Field.
- 142 13. Edward Osborne of Kiveton in Yorkshre, Esq; English Duke, viz. Duke of Leeds.  
Parted per Cross, *Ermine* and *Azure*, a Cross, *Or*.
- 143 20. Hemy Felton of Playford in Suffolk, Esq;  
*Gules*, two Lions passant, *Ermine*, crown'd, *Or*.
- 144 20. William Chaloner of Gisorborough in Yorkshre, Esq;  
*Sable*, a Chevron between three Cherubims, *Or*.
- 145 24. Sir Thomas Byshop of Parham in Suffex, Kt.  
*Argent*, on a Bend cottised, *Gules*, three Bezants.
- 146 July 26. Sir Francis Vincent of Stoke-Dabernon in Surrey, Kt.  
*Azure*, three Quarterfoiles, *Argent*.
- 147 Feb. 27. Hemy Cleve of Omeby in Norfolk, Esq;  
*Argent*, on a Fess, *Azure*, three Eagles display'd, *Or*.
- 148 March 14. Sir Benjamin Tubburne of Tubburne in Hamshre, Kt.  
Vaire a Cheif, *Or*.
- Anno Domini, 1621. & Regis  
1 Jac. 19.
- 149 May 5. Sir Richard Wilbraham of Woodhey in Cheshre, Kt.  
*Argent*, three Bendlets wavy, *Azure*.
- 150 8. Sir Thomas Delves of Doddington in Cheshre, Kt.  
*Argent*, a Chevron, *Gules*, fretty, *Or*, between three Delves, *Sable*.
- 151 June 23. Sir Lewis Watson of Rockingham Castle in Northamptonshire, Kt. since an English Earl, viz. Earl Rockingham.  
*Argent*, on a Chevron, *Azure*, between three Martlets, *Sable*, as many Crescents, *Or*; the Chevron was used engrailed till of late.
- 152 29. Sir Thomas Palmer of Wingham in Kent, Kt.  
*Or*, two Barrs, *Gules*, each charg'd with three Trefoiles, *Argent*, and in Cheif a Greyhound currant, *Sable*, collared of the First.
- 153 July 13. Sir Richard Roberts of Turo in Cornwall, Kt. since an English Earl, viz. Earl of Radnor.  
*Azure*, three Estoiles, and a Cheif wavy, *Or*.
- 154 19. John Rivers of Chafford in Kent, Esq;  
*Azure*, two Barrs dancette, *Or*, in Cheif three Bezants quartering another Coat, as an Augmentation, viz. *Azure*, on a Fess engrailed between three Swans, *Argent*, a Barr, *Gules*, charged with three Roses, of the Second.
- 155 Sept. 6. Thomas Daniel of Heyling in Lincolnshire, Esq;  
*Azure*, two Barrs between six Mafcles, 3, 2, 1, *Or*.
- 156 14. Sir Isaac Sidley of Great-Chant in Kent, Kt.  
*Azure*, a Fess wavy between three Goats Heads erased, *Argent*, arm'd, *Or*, a Crescent difference.
- 157 21. Robert Brown of Waker, Esq; in Northamptonshire.  
*Azure*, a Chevron between three Escallop-shells within a Bordure, *Or*.
- 158 Octob. 11. John Hewit of Hadley-Hall in Yorkshre, Esq;  
*Gules*, a Chevron between three Owls, *Argent*.
- 159 16. Hemy Jernegan of Coffey, alias, Coffese in Norfolk, Esq;  
*Argent*, three Lozenge Buckles, *Gules*.
- 160 Novemb. 8. Sir Nicholas Hyde of Albany in Hertfordshire, Kt.  
*Or*, a Chevron between three Lozenges *Azure*, on a Cheif, *Gules*, an Eagle display'd of the Field.
- 161 9. John Philips of Pilton in Pembroke-shre, Esq;  
*Argent*, a Lion rampant, *Sable*, with Collar and Chain, *Or*.
- 162 24. Sir John Stepucey of Pendergast in Pembroke-shre, Kt.  
*Gules*, a Fess chequy, *Or* and *Azure*, between three Owls, *Argent*.
- 163 Decemb. 5. Baldwin Wake of Clevedon in Somersetshire, Esq;  
*Or*, two Barrs, *Gules*, in Cheif 3 Torreauxes.
- 164 20. William Micham of High Laver in Essex, Esq;  
*Or*, a Fess humetée, *Gules*, between two Lions passant, *Sable*.
- 165 21. John Colbroud of Borham in Suffex, Esq;  
*Azure*, three Carpenters Levels with Plumets, *Or*.
- 166 January 4. Sir John Horham of Scarborough in Yorkshre, Kt.  
Sometimes, *Or*, on a Bend, *Sable*, three Mulletts, *Argent*; but now their Original Arms, viz. Barry of 10, *Argent*



167	14	<i>Argent and Azure, on a Canton, Or, a Cornish Chough, proper.</i>	184	July 4.	<i>Azure, a Cinquefoil Ermine, within a Bordure engrailed, Or.</i>
<i>Extinct.</i>		<i>Francis Mansel of Mudlescombe in Caermarthenshire, Esq;</i>			<i>John Cooper of Rockburn in Hantsire, Esq; since an English Earl, viz. Earl of Shaftsbury.</i>
168	18	<i>Argent, a Chevron between three Manches, Sable, a Crescent for difference.</i>	185	17.	<i>Gules, a Bend engrailed between six Lions rampant, Or.</i>
<i>Extinct.</i>		<i>Edward Powel of Penkelly in Herefordshire, Esq; one of the Masters of Requests.</i>			<i>Edmund Prideaux of Netherton in Devonshire, Esq;</i>
169	Feb. 16.	<i>Or, two Chevroneels between three Lions Paws, erect and erased, Gules.</i>	186	21.	<i>Argent, a Chevron, Sable, and a File of three Lambcaux over all, Gules.</i>
		<i>Sir John Garrard of Laner in Hertfordshire, Kt.</i>			<i>Sir Thomas Haselrigge of Nofely in Leicestershire, Kt.</i>
170	Feb. 23.	<i>Argent, on a Fefs, Sable, a Lion passant of the first.</i>	187	22.	<i>Argent, a Chevron between three Hasel Leaves, Vert.</i>
		<i>Sir Richard Grosvenour of Eaton in Cheshire, Kt.</i>			<i>Sir Thomas Burton of Stockerston in Leicestershire, Kt.</i>
171	March 11.	<i>Azure, a Garb, Or.</i>	188	24.	<i>Sable, a Chevron between three Owls, Argent, crown'd, Or, a Crescent for difference.</i>
<i>Extinct.</i>		<i>Sir Henry Moody of Garsdon in Wiltshire, Kt.</i>	<i>Extinct.</i>		<i>Francis Folejambe of Walton in Derbyshire, Esq;</i>
172	17.	<i>Gules, on a Fefs engrail'd between three Harpies, Argent, crowned, Or, a Bar of the First.</i>	189	30.	<i>Sable, a Bend between six Escallop-shells, Or.</i>
		<i>John Barker of Grimston-Hall in Trimley in Suffolk, Esq;</i>	<i>Extinct.</i>		<i>Edward Tate of Buckland in Berkshire, Esq;</i>
173	18.	<i>Parted per Fefs, Or and Azure, three Martlets counterchanged.</i>	190	August 1.	<i>Argent, a Fefs between three Gates, Sable.</i>
		<i>Sir William Button of Alton in Wiltshire, Kt.</i>			<i>George Chudleigh of Abton in Devonshire, Esq;</i>
		<i>Emme, a Fefs, Gules.</i>			<i>Ermine, three Lions rampant, Gules.</i>
<i>Anno Domini, 1622. &amp; Regis Jac. 1. 20.</i>					
174	March 26.	<i>John Gage of Fole in Sussex, Esq;</i>	191	2.	<i>Francis Drake of Buckland in Devonshire, Esq;</i>
		<i>Parted per Saltire, Argent and Azure, a Saltire, Gules.</i>			<i>Sable, a Fefs unde between the two Pole Stars, Argent.</i>
175	May 14.	<i>William Goring, Esq; Son and Heir of Sir Henry Goring of Burtin in Sussex, Kt.</i>	192	13.	<i>William Meredith of Stanly in Derbyshire, Esq;</i>
		<i>Argent, a Chevron between three Annulets, Gules.</i>	193	Octob. 22.	<i>Azure, a Lion rampant, Or.</i>
176	18.	<i>Peter Cusene of Allington, alias, Arnton, in Herefordshire, Esq;</i>	<i>Extinct.</i>		<i>Hugh Middleton of Ruthin in Denbighshire, Esq;</i>
<i>Extinct.</i>		<i>Or, a Talbot passant, Sable.</i>			<i>Argent, on a Pile, Vert, three Wolves Heads erased of the First, the Pile altered from a Bend.</i>
177	23.	<i>Or, a Talbot passant, Sable.</i>	194	Novem. 12.	<i>Gifford Thornhurst of Agnes-Court in Kent, Esq;</i>
<i>Extinct.</i>		<i>Sir Richard Norton of Rotherfield in Hantsire, Kt.</i>	<i>Extinct.</i>		<i>Ermine, on a Cheif, Gules, two Leopards Faces, Or.</i>
178	30.	<i>Vert, a Lion rampant, Or.</i>	195	16.	<i>Percy Herbert, Son and Heir of Sir William Herbert of Red-Castle in Montgomeryshire, Kt. English Marquis, viz. Marquis of Powis, but since attainted.</i>
<i>Extinct.</i>		<i>Sir John Leventhorp of Shingle-Hall in Hertfordshire, Kt.</i>			<i>Per Pale, Azure and Gules, three Lions rampant, Argent, and Crescent for difference.</i>
179	June 3.	<i>Argent, a Bend gobony, Sable and Gules, between two Cottises of the Second.</i>	196	Decemb. 7.	<i>Sir Robert Fisher of Packington in Warwickshire, Kt.</i>
<i>Extinct.</i>		<i>Capel Bedel of Hamerton, Esq; in Huntingdonshire.</i>			<i>Argent, a Chevron Vaire between three Demi Lions rampant, Gules.</i>
180	13.	<i>Gules, a Chevron engrailed between three Escallop-shells, Argent.</i>	197	18.	<i>Hindolph Wastneys of Heydon in Nottinghamshire, Esq;</i>
<i>Extinct.</i>		<i>John Daniel of Westwoodbey in Berkshire, Esq;</i>			<i>Sable, a Lion rampant with two Tails, Argent, collared, Gules.</i>
181	15.	<i>Azure, a Lion rampant, Or, Crown'd, Argent.</i>	198	20.	<i>Sir Henry Skipwith of Prestwold in Leicestershire, Kt.</i>
<i>Extinct.</i>		<i>William Williams of Veynol in Caermarthenshire, Esq;</i>	<i>Extinct.</i>		<i>Burruly of 10, Argent and Gules, in Cheif a Grey-hound currant, Sable.</i>
182	18.	<i>Gules, a Chevron Ermine between three Mens Heads coup'd, proper, crined, Or.</i>	199	22.	<i>Thomas Harris of Boreatton in Shropshire, Esq;</i>
<i>Extinct.</i>		<i>Sir Francis Asbby of Hayfield in Middlesex, Kt.</i>	<i>Extinct.</i>		<i>Or, three Hedghogs, Azure.</i>
183	July 3.	<i>Azure, a Chevron between three Eagles display'd, with two Heads, Or.</i>	200	23.	<i>Nicholas Tempist of Stella in the Bishoprick of Durham, Esq;</i>
<i>Extinct.</i>		<i>Sir Anthony Asbby of St. Giles-Winborne in Dorsetshire, Kt.</i>			



- Argent, a Bend engrail'd between six Martlets, Sable.*
- 201 *Feb. 16.* Francis Cottington, Esq; Secretary to King Charles I. when Prince of Wales; since an *English* Baron, viz. Lord Cottington.
- Azure, on a Fefs between three Roses, Argent, seeded, Or, as many Bugle-Horns, Sable; the Bugle-Horns afterwards omitted.*
- Anno Domini 1623. & Regis Jac. I. 21.
- 202 *April 12. 1623.* Tho. Harris of Tong-Castle in Shropshire, Serjeant at Law.
- Barruly of 8, Ermine and Azure, three Annulets, Or.*
- 203 *June 28.* Edward Barkham of South-Are in Norfolk, Esq;
- Paly of 6, Argent and Gules, a Chevron, Or.*
- 204 *July 4.* John Corbet of Sproston in Norfolk, Esq;
- Or, a Raven, proper, with a Cinquefoile in the Dexter Chief Point, Gules, as a Difference.*
- 205 *August 13.* Sir Thomas Playters of Soterley in Suffolk, Esq;
- Bendy wavy of 6, Argent and Azure.*

BARONETS according to their Creations by King CHARLES the First.

- Anno Dom. 1626. & Reg. I. 2.
- 206 *July 27.* Sir John Ashfield of Netherhall in Suffolk, Kt.
- Sable, a Fefs engrail'd between 3 Fleurs de Lys, Argent.*
- 207 *Sept. 8.* Hen. Harpur of Calk in Derbyshire, Esq;
- Argent, a Lion rampant within a Bordure engrail'd, Sable.*
- 208 *Decemb. 20.* Edward Seabright of Besford in Worcestershire, Esq;
- Argent, 3 Cinquefoiles, Sable.*
- 209 *June 29.* John Beaumont of Grace-dieu in Leicestershire, Esq;
- Ermine, a Lion rampant, Or.*
- 210 *Feb. 1.* Sir Edward Dering of Surrenden-Derang, in the County of Kent, Kt.
- Or, a Saltire, Sable.*
- 211 *5.* George Kemp of Pentlow in the County of Essex, Esq;
- Argent, a Chevron engrail'd, Gules, between 3 Fleures, Azure.*
- 212 *Mar. 10.* William Berton of Hamford in the County of Cheshire, Esq;
- Argent, two Barrs, Sable, over all a Crois forme flory, Gules, charg'd with 5 Bezants.*
- 213 *12.* Patience Curwen of Winkinton in the County of Cumberland, Esq;
- Argent, Fretty, Gules, a Chief, Azure.*
- 214 *12.* William Russell of Witley in the County of Gloucester, Esq;
- Argent, a Chevron, between three Crozlers, Sable.*
- 215 *14.* John Spencer of Ossley in Hertfordshire, Esq;
- Quarterly, Argent and Gules, in the 2d, and 3d, a Frett, Or, on a Bend, over all, Sable, 3 Fleurs de Lys of the 1st.*
- 216 *17.* Sir Giles Escount of Newton in Wiltshire, Kt.

*Ermine, on a Chief, Gules, three Stars, Or.*

Anno Domini 1627. & Regis Car. I. 3.

- 217 *Apr. 19. 1627.* Thomas Aylebury, Esq; One of the Masters of the Requests.
- Azure, a Crois, Argent.*
- 218 *21.* Tho. Style of Waringbury in Kent, Esq;
- Sable, a Fefs, Or; Fretty of the Field between three Fleurs de Lys, Gold, within a Bordure as the last.*
- 219 *May 4.* Frederick Cornwallis of Brome in Suffolk, Esq; now an *English* Baron, viz. Lord Cornwallis.
- Sable, Gutté de Fau on a Fefs, Or, three Cornish Choughs, proper.*
- 220 *7.* Dine Drury of Riddleworth in Norfolk, Esq;
- Argent, on a Chief, Vert, a Tau between two Mulletts, Or.*
- 221 *8.* William Skeffington of Esherwick in Staffordshire, Esq; since an *Engl* Viscount, viz. Viscount Mazarene.
- Argent, 3 Bulls Heads erased, Sable.*
- 222 *11.* Sir Robert Crane of Chilton in Suffolk, Kt.
- Argent, a Fefs between three Crozlets fitché, Gules.*
- 223 *17.* Anthony Wingfield of Goodwins in Suffolk, Esq;
- Argent, on a Bend, Gules, cottised, Sable, three Pair of Wings of the First.*
- 224 *17.* William Colepeper of Treston-Hall in Kent, Esq;
- Argent, a Bend engrail'd, Gules.*
- 225 *17.* Giles Bridges of Wilton in Herefordshire, Esq; since an *English* Earl, viz. Earl of Carnarvan.
- Argent, on a Crois, Sable, a Leopard's Face, Or.*
- 226 *17.* John Kule of Much-Murle in the County of Hereford, Esq;
- Vert, a Chevron between three Fleurs de Lys, Or.*
- 227 *20.* Sir Humphrey Stiles of Buckenham, in Kent, Esq;
- Sable, a Fefs engrail'd, Or, Fretty of the Field betwixt three Fleurs de Lys, Gold.*
- 228 *21.* Henry Moor of Folley in Berkshire, Esq;
- Argent, a Moor-cock, Sable.*
- 229 *28.* Tho. Hele of Fleet in Devonshire, Esq;
- Argent, 5 Lozenges in Pale, Gules, on the middlemost a Leopard's Face, Or.*
- 230 *28.* John Carleton of Holcomb in Oxfordshire, Esq;
- Argent, on a Bend, Sable, three Matchs of the Field.*
- 231 *30.* Thomas Maples of Stew in Huntingdonshire, Esq;
- Azure, a Chevron quarterly, Or, and Argent, betwixt three Fleurs de Lys of the Second.*
- 232 *30.* Sir John Iham of Lamport in Northamptonshire, Kt.
- Gules, a Fefs, and in Chief three Piles all Wavy, Argent.*
- 233 *30.* Henry Bagot of Blithfield in Staffordshire, Esq;
- Ermine, three Chevrons, Azure, and sometimes Argent, a Chevron, Gules,*

B b between







- 265 Sept. 2. John Jaques of Middlesex, Esq; one of His Majesty's Gentlemen Pensioners.  
*Argent*, on a Fess engrail'd, *Sable*, three Escallop-shells of the Field.  
*Extinct.*
- 266 6. Robert Dillington of Kington in the Isle of Wight, in the County of Southampton, Esq;  
*Azure*, a Lion rampant, *Or*.
- 267 12. Francis Pile of Compton in Berkshire, Esq;  
*Argent*, a Cross between four Nails, *Gules*.
- 268 12. John Pole of Shute in Devonshire, Esq;  
*Azure*, semé of *Flurs de Lys*, *Or*, and a Lion rampant, *Argent*, a Mullet on the Lion's Shoulder for difference.
- 269 14. William Lewes of Langors in Brecknockshire, Esq;  
*Sable*, a Chevron, *Ermine*, between three Spear-heads, *Argent*.  
*Extinct.*
- 270 20. William Chappesser of Wakehurst in Sussex, Esq;  
*Argent*, a Bend engrailed, *Gules*, a Crescent for difference.
- 271 Octob. 3. Peter Van-Loer of Tylehurst in Berkshire, Esq;  
*Or*, an Orle, or Garland of Woodbines alant Honey-suckles, *proper*.  
*Extinct.*
- 272 9. Sir John Lawrence of Iwer in Bucks, Kt.  
*Argent*, a Cross Raguly and Chief, *Gules*, on the latter a Lion of England.
- 273 23. Anthony Shugsby of Scriven in Yorkshire, Esq;  
Quarterly, the First and Fourth, *Gules*, a Chevron between two Leopards Faces in Chief, and a Bugle-horn in Base, *Argent*. The Second and Third, *Argent*, a Griffin rampant fergreant, *Sable*, suppress'd by a Fess, *Gules*.
- 274 24. Thomas Parvaour of Haselwood in Yorkshire, Esq;  
*Or*, a Fesse dancetté, *Sable*.
- 275 Nov. 24. Robert Wolsley of Wolsley in Staffordshire, Esq;  
*Argent*, a Talbot passant, *Gules*.
- 276 Decemb. 8. Rice Rudd of Aberglasney in Caermarthenshire, Esq;  
*Azure*, a Lion rampant, and Canton, *Or*.  
*Extinct.*
- 277 18. Richard Wfeman of Thundersley in Essex, Esq;  
*Sable*, a Chevron between three Cronels or Burs of Lances, *Argent*.
- 278 19. Henry Fenners of Skellingthorpe in Lincolnshire, Esq;  
*Argent*, on a Bend, *Gules*, cottised, *Sable*, three Horse-shoes of the First. Some give the Bend *Sable*, and the Cottises *Gules*.
- 279 Jan. 3. John Anderson of St. Ives in Huntingdonshire, Esq;  
*Argent*, a Chevron between three Crosses flory, *Sable*, quartering *Sable*, 5 Stars in Saltire, *Argent*, Both by the Name of Anderson.  
*Extinct.*
- 280 19. Sir William Russel of Chippingham in Cambridgehire, Kt.  
*Argent*, a Lion rampant, *Gules*, on a Chief, *Sable*, three Roses of the First.
- 281 29. Richard Everard of Much-Waltham in Essex, Esq;  
*Gules*, a Fess Ondée, or Wavy between three Stars, *Argent*.
- 282 31. Thomas Powell of Birkenhead in Cheshire, Esq;  
*Sable*, three Roses, *Argent*.
- 283 March 2. William Luckin of Waltham in Essex, Esq;  
*Sable*, a Fess indented between two Leopards Faces, *Or*.
- Anno Domini 1629. & Regis Car. 1. 5.
- 284 29. 1629. Richard Grahme of Eike in Cambridland, Esq; (a Scots Viscount, viz. Viscount Preston.)  
Quarterly 1 and 4, *Grahme*, viz. *Or*, on a Chief, *Sable*, three Escallops of the 1, 2 and 3, *Or*, a Fess cheeq. *Argent* and *Azure*, in Chief, a Chevron, *Gules*, for Stuart, of which quartered Coat serves as his Difference from the *Grahmes* of Montross, the eldest House.
- 285 April 2. George Twisslen of Bawley in Yorkshire, Esq;  
*Argent*, a Chevron between three Moles, *Sable*.  
*Extinct.*
- 286 May 30. William Acton of the City of London, Esq;  
*Gules*, semé of Crosetts fiché, *Or*, and two Lions passant, *Argent*.  
*Extinct.*
- 287 June 1. Nicholas L'Estrange of Hopton in Norfolk, Esq;  
*Gules*, two Lions passant.  
Anciently they differenc'd with a Bend, *Azure*, over the Lions.
- 288 15. John Holland of Quadenham in Norfolk, Esq;  
*Azure*, semé of *Flurs de Lys*, and a Lion rampant guardant, within a Bordure, all *Argent*.
- 289 24. Edward Aley of Hasfield in Essex, Esq;  
*Sable*, a Cross Potent, *Or*.  
*Extinct.*
- 290 July 2. Richard Earl of Cragthorpe in Lincolnshire, Esq;  
*Gules*, 3 Escallop-shells, within a Bordure engrailed, *Argent*.  
*Extinct.*
- 291 Nov. 28. Robert Duce of the City of London, Alderman; (since an *Esq* Viscount, viz. Viscount Downe)  
*Or*, a Fess vair, between 3 Cinquefoils, *Gules*; altered to, *Or*, two Lions passant guardant in Pale, *Gules*, which was born in the first and fourth place quarterly with the former.  
*Extinct.*
- Anno Domini, 1630. & Regis Car. 1. 6.
- 292 April 9. 1630. Sir Richard Grenville, younger Brother to Sir Bevil Grenville of Kilkhampton in the County of Cornwall, Kt.  
*Gules*, three Clarions, *Or*.  
*Extinct.*



Anno Domini, 1613. & Regis,  
Car. 1. 7.

June 22. 1631. Charles Vavasour of Killingthorp in *Lincolnshire*, Esq; whose Patent contains an especial Clause of Precedency, viz. to take Place next below Sir Tho. Mounson of *Carlton*, in Com' *Lincoln*, Baronet; and next above Sir George Gresley of *Drakelow* in Com' *Derby*, Baronet; created 29 June 1611. Vide N<sup>o</sup>. 20.

Or, a Fess dancetté, *Sable*, (with a due difference.)

Anno Domini, 1638. & Regis,  
Car. 1. 14.

Febr. 19. 1638. Sir *Edw. Tirrell* of *Thornorton Bucks*, Kt. with Remainder to the Heirs Male of *Toby Tirrell*, one of the Sons of the said Sir *Edw. Tirrell*, and for default of such Issue, on *Francis Tirrell*, another of the Sons of the said Sir *Edw. Tirrell*, and the Heirs Male of the Body of him the said *Francis*. And to have Precedency from the 31. of October, Anno tertio Car. Reg. 1. according to a Patent then granted to him the said Sir *Edw. Tirrell*, which was surrender'd upon the sealing of this present Patent. Vide N<sup>o</sup>. 249.

*Argent*, two Chevrons, *Azure*, within a Bordure engrailed, *Gules*, with a Crescent for difference.

293 July 20. 1640. Edward Moseley of *Rox'stone* in *Staffordshire*, Esq;

*Sable*, a Chevron between three Pickaxes, *Argent*.

294 Jan. 8. Martin Lumley of *Great Pradfield* in *Essex*, Esq;

Or, a Cheif, *Gules*.

295 Feb. 15. William Dalsdon of *Dalsdon* in *Cumberland*, Esq;

*Argent*, a Chevron engrail'd between three Ravens or Daws Heads erased, *Sable*.

296 19. Henry Fletcher of *Hutton* in the Forest in *Cumberland*, Esq;

*Argent*, a Cross engrail'd, *Sable*, between four Pellets, each charg'd with a Pheon of the Field.

297 March 4. Sir Nicholas Cole of *Branstaple* in the Bishoprick of *Durham*, Kt.

*Argent*, a Fess engrail'd between three Scorpions erected, *Sable*.

Anno Domini, 1641. & Regis,  
Car. 1. 17.

298 April 27. 1641. Edmund Pye of *Leckhamsted* in *Bucks*, Esq;

Or, on a Pile, *Azure*, three Escallop-shells of the Field.

299 May 26. Simon Every of *Egginton* in *Derbyshire*, Esq;

Or, 4 Chevrons, *Gules*.

300 29. William Langley of *Higham-Gobion* in *Bedfordshire*, Esq;

Paly of 6, *Argent* and *Vert*.

301 June 8. William Paston of *Oxnead* in *Norfolk*, Esq; English Earl, viz. Earl of *Yorkmouth* in *England*.

*Argent*, 6 Flurs de Lys, *Azure*, 3, 2, 1. a Cheif indented, *Or*.

302 11. James Stonehouse of *Amerden-Hall* in *Essex*, Esq;

*Argent*, on a Fess, *Sable*, betwixt three Falcons rising, *Azure*, a Leopards Face between two Mullers, *Or*.

303 24. John Palgrave of *Norwood Bunningham* in *Norfolk*, Esq;

*Azure*, a Lion rampant guardant, *Argent*, rather a Leopard, *Argent*, spotted, *Sable*.

304 25. Gerard Napper of *Middle-Manby-Hall* in *Derbyshire*, Esq;

*Argent*, a Saltire, *Sable*, between four Roses, *Gules*, (with due difference.)

305 28. Thomas Whitmore of *Apley* in *Shropshire*, Esq;

*Vert*, Fretty, *Or*,

306 29. John Maney of *Linton* in *Kent*, Esq;

Parted per Pale, *Argent* and *Sable*, three Chevrons between as many Cinquefoils counterchanged.

307 30. Sir Thomas Cave Junior, of *Stanford* in *Northamptonshire*, Kt.

*Azure*, Fretty, *Argent*.

308 30. Sir Christopher Telvorton of *Easton-Mauduit* in *Northamptonshire*, Kt. Since by Letters Patents made an English

Viscount, (viz.) Viscount *Longueville*.

*Argent*, three Lions rampant, and a Cheif, *Gules*.

309 July 3. William Boteler of *Tewton* in *Kent*, Esq;

*Argent*, on a Cheif, *Sable*, three covered Cups, *Or*.

310 5. Sir Thomas Hatton of *Long Stanton* in *Cambridgehire*, Kt.

*Azure*, a Chevron between three Garbs, *Or*.

311 7. Thomas Abdy of *Felix-Hall* in *Essex*, Esq;

Or, two Chevrons between three Trefoils (some say Cinquefoils) *Sable*.

312 July 14. John Bampfild of *Poltimore* in *Devonshire*, Esq;

Or, on a Bend, *Gules*, three Mallets, *Argent*.

313 14. Sir John Cotton of *Landwade* in *Cambridgehire*, Kt.

*Sable*, a Chevron between three Griffins Heads erased, *Argent*.

314 15. Sir Simonds D'Ewes of *Stow-Hall* in *Suffolk*, Kt.

Or, three Caterfoils, *Gules*.

315 15. Henry Frederick Thun of *Cause Castle* in *Shropshire*, Esq; Since made an English Viscount, viz. Viscount *Weymouth*.

*Barruly* of Ten, *Or* and *Sable*.

316 15. John Bugeyn of *Sutton* in the County of *Bedford*, Esq;

*Gules*, a Chevron, *Or*, between 3 Talbots, *Argent*, on a Cheif embattelled of the last as many Martlets, *Sable*.

317 17. John Northcote of *Hayne* in *Devonshire*, Esq;

Quarterly, two Coats, the 1st and 4th, *Argent*, a Fess between 3 Crozles

*Molme*,



- |          |                |   |          |                |  |
|----------|----------------|---|----------|----------------|--|
| 318      | 17.            | Moline, <i>Sable</i> ; the 2d and 3d, <i>Argent</i> , three Cross Crozlets in Bend, <i>Sable</i> .  | 336      | 10.            | Richard Price of Gogarth in Cardigan-shire, Esq;   |
| Extinct. |                | Sir William Drake of Sherdelow in Bucks, Kt.  | Extinct. |                | Or, a Lion rampant regardant, <i>Sable</i> .   |
| 319      | 23.            | <i>Argent</i> , a Wyverne, <i>Gules</i> .   | 337      | Octob. 10.     | Hugh Cholmley of Writby in York-shire, Esq;  |
|          |                | Thomas Rouse of Rouse-Linch in Worcester-shire, Esq;  |          |                | <i>Gules</i> , two Helmets in Chief, <i>Argent</i> , and in Base a Garb, <i>Or</i> , with a <i>Fluer de Lys</i> , <i>Or</i> , issuing out of a Crescent, <i>Ermine</i> , for difference.   |
| 320      | 23.            | <i>Sable</i> , two Bars engrailed, <i>Argent</i> .  | 338      | 11.            | William Spring of Pakenham in Suffolk, Esq;  |
|          |                | Ralph Hare of Stow-Bardolph in Norfolk, Esq;  |          |                | <i>Argent</i> , on a Chevron between three Mascles, <i>Gules</i> , as many Cinquefoiles, <i>Or</i> , sometimes each charg'd with five Torreauxes, and altered, by Camden, to, <i>Argent</i> , a Chevron between three Mascles, <i>Gules</i> .                    |
| 321      | July 24. 1641. | <i>Gules</i> , two Bars and a Chief indented, <i>Or</i> .   |          |                | Thomas Trevor of Enfield in Middlesex, Esq;  |
|          |                | Sir John Norwich of Brampton in Northampton-shire, Kt.  | 339      | 11.            | Parted per Bend Sinister, <i>Ermine</i> and <i>Ermures</i> , a Lion rampant, <i>Or</i> .   |
|          |                | Parted per Pale, <i>Gules</i> and <i>Azure</i> , a Lion rampant, <i>Ermure</i> , and sometimes, <i>Ermure</i> , a Fess engrail'd, <i>Azure</i> , both by that Name; the first Coat as extracted from the Earls Marshal. | Extinct. |                | Sir John Cusson of Keddleston in Derby-shire (a Baronet of Scotland.)  |
| 322      | 26.            | John Brownlow of Belton, near Grantham in Lincoln-shire, Esq;   | 340      | 11.            | <i>Argent</i> , on a Bend, <i>Sable</i> , three Popinjays, <i>Or</i> , collared, <i>Vert</i> .   |
| Extinct. |                | Or, an Inescutcheon between eight Martlets in Orle, <i>Sable</i> .  | 341      | 11.            | Hugh Owen of Orielfton in Pembroke-shire, Esq;   |
| 323      | 27.            | William Brownlow of Hamby in Lincoln-shire, Esq;  |          |                | <i>Gules</i> , on a Mount, proper, a Boar passant, <i>Argent</i> , collared and chained, <i>Or</i> , and ty'd to a Tree as the Second. Sometimes, <i>Gules</i> , a Chevron between three Lions rampant, <i>Or</i> ; the Arms of Lusa ap Kindelf, their Ancestor. |
|          |                | As his Brother aforesaid with a Crescent for difference.  |          |                | Morten Brigs of Houghton in Shrop-shire, Esq;  |
| 324      | 28.            | John Sidenham of Bampton in Somerset-shire, Esq;  | 342      | 12.            | <i>Gules</i> , three Bars Gemells, <i>Or</i> , and on a Canton, <i>Sable</i> , a Crescent, <i>Or</i> .   |
|          |                | <i>Argent</i> , three Rams passant, <i>Sable</i> .  | 343      | 12.            | Henry Heyman of Somersfield in Kent, Esq;  |
| 325      | 28.            | Henry Prat of Coleball in Berk-shire, Esq;  |          |                | <i>Argent</i> , on a Chevron engrail'd, <i>Azure</i> , between three Martlets, <i>Sable</i> , as many Cinquefoiles, <i>Or</i> .  |
| Extinct. |                | <i>Argent</i> , on a Chevron, <i>Sable</i> , between three Pellets, each charg'd with a Martlet of the Field, as many Mascles, <i>Or</i> .  | 344      | 12.            | Thomas Sandford of Hongill-Castle in Westmorland, Esq;   |
| 326      | 28.            | Francis Nichols of Hardwick in Northampton-shire, Esq;  |          |                | Parted per Chevron, <i>Sable</i> and <i>Ermure</i> , in Chief two Boars Heads cooped, <i>Or</i> .  |
|          |                | <i>Argent</i> , three Pheons and a Canton, <i>Sable</i> .   | 345      | 14.            | Sir Francis Rhodes of Barlbrough in Derby-shire, Kt.   |
| 327      | 30.            | Sir William Strickland of Boynton in York-shire, Kt.  |          |                | <i>Argent</i> , a Lion passant in Bend, <i>Gules</i> , cottised <i>Ermures</i> , between two Acorns, <i>Azure</i> .  |
|          |                | <i>Gules</i> , a Chevron, <i>Or</i> , between three Crozles Patée, <i>Argent</i> , on a Canton, <i>Ermure</i> , a Buck's Head erased, <i>Sable</i> .  | 346      | 14.            | Richard Sprignell of Coppenthorp in York-shire, Esq;   |
| 328      | August 4.      | Sir Thomas Wolrabe of Dudmaston in Shrop-shire, Kt.   | Extinct. |                | <i>Gules</i> , two Bars Gemell, <i>Or</i> , in Chief a Lion of England.  |
|          |                | <i>Azure</i> , a Chevron between three Swans, <i>Argent</i> .   | 347      | 14.            | Sir John Potts of Mannington in Norfolk, Kt.   |
| 329      | 2.             | Thomas Mahverer of Allerton-Maleverer in York-shire, Esq;   |          |                | Or, two Bars, <i>Azure</i> , and a Bend, <i>Or</i> .   |
|          |                | <i>Gules</i> , three Greyhounds courant in Pale, <i>Argent</i> .  | 348      | Aug. 14. 1641. | Sir John Goodrick of Ribston in York-shire, Kt.  |
| 330      | 4.             | William Boughton of Lawford in Warwick-shire, Esq;  |          |                | <i>Argent</i> , on a Fess, <i>Gules</i> , between two Lions passant Guardant, <i>Sable</i> , a <i>Fluer de Lys</i> of the first, between two Crescents, <i>Or</i> .  |
|          |                | <i>Sable</i> , three Crescents, <i>Or</i> .   |          |                | Robert Binliff of Barwick in Lancashire, Esq;  |
| 331      | 4.             | John Chabster of Raleigh in Devon-shire, Esq; (I believe an Esq Peer.)  | 349      | 16.            | Quarterly, per Fess indented, <i>Gules</i> and <i>Or</i> , on a Bend of the last, a Cinquefoil between two Sea-Pies, <i>Azure</i> .  |
|          |                | Chequy, <i>Or</i> and <i>Gules</i> , a Chief Vaire.   | Extinct. |                |  |
| 332      | 4.             | Norton Knatchbull of Messham-Hatch in Kent, Esq;  |          |                |  |
|          |                | <i>Azure</i> , three Crozlets fitchè between two Bendlets, <i>Or</i> .  |          |                |  |
| 333      | 4.             | Hugh Windham of Pilsden-Court in Dorset-shire, Esq;   |          |                |  |
| Extinct. |                | <i>Azure</i> , a Chevron between three Lions Heads erased, <i>Or</i> .  |          |                |  |
| 334      | 9.             | Richard Carew of Anthony in Cornwall, Esq;  |          |                |  |
|          |                | Or, three Lions passant in Pale, <i>Sable</i> .   |          |                |  |
| 335      | 10.            | William Castleton of St. Edmunds-Bury in Suffolk, Esq;  |          |                |  |
|          |                | <i>Azure</i> , on a Bend, <i>Or</i> , three Snakes of the Field.  |          |                |  |



- 350 Aug. 16. *William Walter* of *Sinesden* in *Oxfordshire*, Esq;  
*Azure*, a Fefs dancette, Or, between three Eagles display'd, *Argent*.
- 351 16. *Thomas Lawley* of *Spoonhill* in *Shropshire*, Esq;  
*Argent*, a Cross formée throughout (that is extended to the Sides of the Field) checquy, Or and *Sable*.
- 352 Sept. 6. *William Farmer* of *Eston-Nelson* in *Northamptonshire*, Esq; since made an English Baron, viz. Lord *Lempster*.  
*Argent*, a Fefs, *Sable*, between three Lions Heads erased, *Gules*. This is my Lord's Coat, the Descendant of that *William*.
- 353 9. *John Daye* of *Cready* in *Devonshire*, Esq;  
*Argent*, a Chevron, *Sable*, between three Mulletts pierced, *Gules*.
- 354 22. *Thomas Pettus* of *Rockbeath* in *Norfolk*, Esq;  
*Gules*, a Fefs, *Argent*, between three Annulets, Or.
- 355 Decemb. 11. *William Andrews* of *Denton*, alias *Dodington*, in *Northamptonshire*, Esq;  
*Gules*, a Saltire, Or, surmounted of another, *Vert*.
- 356 11. *John Maux* of *Kingston* in the *Isle of Wight*, Esq;  
*Paly* of 6, Or and *Azure*, on a Chief, *Gules*, three Crosses patée of the first.  
*Extinct.*
- 357 14. *Sir Richard Gurney*, Kt. Lord Mayor of the City of *London*.  
*Paly* of 6 per Fefs counterchanged, Or and *Azure*.  
*Extinct.*
- 358 15. *Thomas Willys* of *Fen-Ditten* in *Cambridgehire*, Esq;  
Parted per Fefs, *Gules* and *Argent*, three Lions rampant counterchanged, within a *Bordure*, *Ermme*.
- 359 15. *Francis Armitage* of *Kirkstrees* in *Yorkshire*, Esq;  
*Gules*, a Lion's Head erased, between three cross Crostlets, Or.
- 360 18. *Richard Halford* of *Wiston* in *Leicestershire*, Esq;  
*Argent*, a Greyhound passant, *Sable*, on a Chief of the Second, three *Fleurs de Lys*, Or.
- 361 25. *Sir Humphry Tuston* of the *Mote*, near *Maidstone* in *Kent*, Kt.  
*Sable*, an Eagle display'd, *Ermme*, within a *Bordure*, *Argent*, with due difference.  
*Extinct.*
- 362 30. *Edward Coke* of *Langford* in *Derbyshire*, Esq;  
*Gules*, three Crescents and a Canton, Or.
- 363 June 21. *Isaac Astley* of *Melton-Constable* in *Norfolk*, Esq;  
*Azure*, a Cinquefoile, *Ermme*, within a *Bordure* engrail'd, Or. Sometimes quartering, *Argent*, a Lion rampant, *Gules*, crown'd, Or.  
*Extinct.*
- 364 21. *Sir David Cunningham* of *London* (a Baronet of *Scotland*).  
*Argent*, a Shake-fork, (and not as wrongly termed a Pall) *Makenzy*, l. 2. p. 96. between two Castles, *Sable*.
- 365 22. *Sir John Rayney* of *Wotham* in *Kent* (a Baronet of *Scotland*).  
*Gules*, two Wings conjoin'd in *Lure*, *Ermme*.
- 366 29. *Revet Eldred* of *Saxham Magna* in *Suffolk*, Esq;  
Or, on a Bend Raguly, *Sable*, three Bezants; in the Sinister Chief a Martlet for difference.  
*Extinct.*
- 367 29. *John Gell* of *Hopdon* in *Derbyshire*, Esq;  
Parted per Bend, Or and *Azure*, three Mulletts of six Points in Bend counterchanged.
- 368 29. *Sir Vincent Corbett* of *Morton-Corbett*, in *Shropshire*, Kt.  
Or, a Raven, *Sable*.
- 369 Feb. 4. *Sir John Kay* of *Woodsom* in *Yorkshire*, Kt.  
*Argent*, two Bendlets, *Sable*.
- 370 5. *Thomas Tollop* of *Caswick* in *Lincolnshire*, Esq;  
*Vert*, three Stags tripping within a *Bordure*, *Argent*.
- 371 Mar. 3. *Edward Thomas* of *Michael-Town* in *Glamorganshire*, Esq;  
*Gules*, three Chevrons, *Argent*.  
*Extinct.*
- 372 4. *Sir William Cowper*, of *Ratling-Court*, in *Kent*, (a Baronet of *Scotland*) since created a Baron of *England*, viz. Lord *Cowper*.  
*Argent*, three Martlets, *Gules*, on a Chief engrailed of the same as many Annulets, Or.
- 373 5. *Denner Strut* of *Little Warley-Hall* in *Essex*, Esq;  
*Sable*, a Chevron, *Argent*, between three Crostlets fitch, Or.
- 374 8. *William St Quintin* of *Harpham* in *Yorkshire*, Esq;  
Or, a Chevron, *Gules*, and a Chief, *Vaire*.
- 375 14. *Sir Robert Kemp* of *Giffing* in *Norfolk*, Esq;  
*Gules*, three Garbs within a *Bordure* engrail'd, Or.
- 376 16. *John Read* of *Brocket-Hall* in *Hertfordshire*, Esq;  
*Azure*, a Griffin rampant segreant, Or.
- Anno Domini, 1642. & Regis Car. 1. 18.
- 377 April 9. 1642. *James Enyan* of *Flower* in *Northamptonshire*, Esq;  
*Argent*, a Chevron between three Ravens, *Sable*.  
*Extinct.*
- 378 19. *Sir Edmund Williams* of *Mannhall* in *Dorsetshire*, Kt.  
*Argent*, a Greyhound passant between three Choughs, *Sable*, within a *Bordure* engrail'd, *Gules*; to *Williams* of *Herrington* in *Dorsetshire* bore. But they of *Holton* charge the *Bordure* alternately with Crosses patée, Or and Bezants.  
*Extinct.*
- 379 22. *John Williams* of *Musley* in the *Isle of Thanet* in *Kent*, Esq;  
*Vert*, three Eagles display'd in Fefs, Or.
- 380 29. *George Wintour* of *Huddington* in *Worcestershire*, Esq;  
*Sable*, a Fefs, *Ermme*.
- 381 May 4. *John Borlue* of *Bockmer* in *Bucks*, Esq;  
*Ermme*, on a Bend, *Sable*, out of two Clouds, as many Arms and Hands.



		Hands, proper, vending an Horse-shoe, Argent.			Party per Cross, Argent and Gules, a Bend, Sable. Attained 2 K. G. 1628. <i>Matthew Fotherby</i> of Middlesex in Yorks, Esq;
382	Sep. 6. Extinct.	1628. <i>Henry Knollys</i> of Grove-Place in Hampshire, Esq;	401	July 20.	
		Azure, Seme of Cross-crosslets, a Cross fargele (or voided throughout) Or, a Crescent, for Difference.	402	27.	<i>Philip Capelle</i> of <i>Essex</i> , Esq;
383	11.	<i>John Hamilton</i> of the City of London, Esq;			Quarterly, Gules and Azure, a Bend over all, Or.
384	12.	<i>Edward Morgan</i> of <i>Monmouth</i> in Monmouthshire, Esq;	403	30.	1642. <i>Ralph Blackston</i> of <i>Giles</i> in the Bishoprick of <i>Durham</i> , Esq;
		Or, a Griffin rampant segreant, Sable.	Extinct.		Argent, two Barrs, and in Chief three Cocks, Gules, within a Bordure engrail'd, Azure.
385	13.	<i>Sir Nicholas Kemys</i> of <i>Keven-Matley</i> in Glamorganshire, Kt.	404	Aug. 8. Extinct.	<i>Sir Edward Haddington</i> of <i>Castleton</i> in Northumberland, (a Scots Baronet)
		Vert, on a Chevron, Or, three Pheons, Sable.			Party per Cross, Argent and Gules, a Bend, Sable, (with due difference)
386	14.	<i>Trevor Williams</i> of <i>Langthyl</i> in Monmouthshire, Esq;	405	15.	<i>Robert Matham</i> of <i>Sidgwick</i> in Lancashire, Esq;
		Gyronny of eight, E. main and L. minnes, a Lion rampant, Or.			Azure, on a Chief, Or, a Demi-Lion issuant, Gules, a Bordure, Argent.
387	16.	<i>John Reresby</i> of <i>Thirburgh</i> in Yorkshire, Esq;	406	15.	<i>Philip Harratt</i> of <i>Saxton</i> in Yorkshire, Esq;
		Gules, on a Bend, Argent, three Cross-crosslets, Sable.			Gules, a Chevron engrail'd between three Talbots passant, Argent.
388	17.	<i>William Ingilby</i> of <i>Rpley</i> in Yorkshire, Esq;	407	15.	<i>Stephen Leonard</i> of <i>Hepthorpe</i> in Kent, Esq;
		Sable, an Estoil, Argent.			Or, on a Fess, Gules, three Fleurs de Lys of the First, a Crescent difference.
389	28.	<i>Thomas More</i> of <i>Lejley</i> in Surrey, Esq;	408	24.	<i>Sir William Threlkeld</i> of <i>Marston</i> in Lincolnshire, Kt.
Extinct.		Azure, on a Cross, Argent, five Martlets, Sable.			Sable, three Goulets saliant, Argent.
390	19.	<i>Christopher Darcy</i> of <i>Conk</i> in Yorkshire, Esq; ( <i>Leis</i> Viscount, viz. Viscount Downe.)	409	29.	<i>Walter Radcliffe</i> of <i>Hazore</i> in Yorkshire, Esq;
		Argent, on a Bend cottised, Sable, three Annulets of the First.			Argent, three Bulls Heads erased, Sable, armed, Or.
391	June 3.	<i>Thomas Hampson</i> of <i>Toplew</i> in Bucks, Esq;	410	30.	<i>Walter Hooton</i> of <i>Hooton</i> in Staffordshire, Esq;
		Argent, three Hemp or Flax-breaks, Sable.			Or, three Piles, Sable, a Canton, E. main; but this is properly <i>Buffet's</i> Arms. The true Coat of <i>Sir Hugh Hooton</i> , Kt. of the Garter was Or, a Bend engrail'd, Gules. Vid. <i>Hooton's</i> MS. of <i>Staff.</i>
392	3.	<i>Thomas Williamson</i> of <i>East-Markham</i> in the County of <i>Nottingham</i> , Esq;	411	30.	<i>Thomas Bland</i> of <i>Kippes Park</i> in Yorkshire, Esq;
		Or, a Chevron, Gules, between three Trefoiles, Sable.			Argent, on a Bend, Sable, three Pheons, Or.
393	3.	<i>William Denny</i> of <i>Gillingham</i> in Norfolk, Esq;	412	Sept. 1.	<i>Robert Threlkeld</i> of <i>Conk</i> in Yorkshire, Esq;
Extinct.		Gules, a Saltire, Argent, between twelve Crozles Parte, Or.			Gules, on a Chevron, Argent, three Bars Gemelles, Sable.
394	June 3.	<i>Sir Richard Humber</i> of <i>Humber</i> in the County of <i>Kent</i> , Kt.	413	10.	<i>William Halse</i> of <i>Saxton</i> in Essex, Esq;
		Gules, a Lion rampant, E. main, debruys'd with a Chevron, Or.			Party per Pale, Azure and Gules, a Lion rampant, Or.
395	11.	<i>Christopher Foxthorpe</i> of <i>Wan Hara</i> in Cumberland, Esq;	414	26.	<i>Robert Spencer</i> of <i>Offen</i> in Hertfordshire, Esq;
		Or, six Annulets, 3, 2, 1, Sable; with due difference.	Extinct.		Quarterly, Argent and Gules, in the 2d, and 3d, a Fess, Or; over all a Bend, Sable, charg'd with three Fleurs de Lys, Sable.
396	13.	<i>Sir Thomas Aston</i> of <i>Old Hall</i> in Bedfordshire, Kt.	415	27.	<i>Edward Golding</i> of <i>Colston Bassett</i> in Nottinghamshire, Esq;
		Azure, Ten Stars 4, 3, 2, 1.			Gules, a Chevron, Or, betwixt three Bezants.
397	20.	<i>Edward Coker</i> of <i>Leighton</i> in Montgomeryshire, Esq;	416	27.	<i>William Smith</i> of <i>Cratock</i> in Cornwall, Esq;
		Or, two Ravens, proper, within a Bordure engrail'd, Gules, bezanted.			Azure, a Saltire between four Martlets, Argent.
398	24.	<i>George Middleton</i> of <i>Leighton</i> in Lancashire, Esq;			
		Argent, a Saltire engrailed, Sable.			
399	28.	<i>Edward Payler</i> of <i>Thornaby</i> in Yorkshire, Esq;			
Extinct.		Gules, three Lions passant guardant, Argent, over all a Bend, Or, charg'd with as many Mulletts, Sable.			
400	July 9.	<i>Sir William Haddington</i> of <i>Haddington</i> in Northumberland, Kt. (an English Baron, viz. Lord Haddington.)			



- 417 Octob. 1. 1628. Henry Henn of Wingfield in Berkshire, Esq;  
Extinct. Or, a Fess, Sable, and a Demi-Lion issuant, Gules; with a new Grant of Vert, a Chevron, and in Chief three Lions rampant, Or: These are born quarterly by the same Name, that of the Chevron, their new one in the 2d Quarter.
- 418 5. Walter Blount of Soddington in Worcester-shire, Esq;  
Barry Nebulè, Or and Sable, a Crescent for difference.
- 419 74. Adam Littleten of Stoke-Milburgh in Shropshire, Esq;  
Argent, a Chevron between three Escallop-shells, Sable, with due (difference.)
- 420 Nov. 2. Thomas Lydell of Ravensholm-Castle in the Bishoprick of Durham, Esq;  
Argent, Fretty Gules, on a Chief of the 2d, three Leopards Faces, Or.
- 421 9. Richard Lawday of Exeter in Devon-shire, Esq;  
Extinct. Thomas Chamberlain of Wickham in Oxfordshire, Esq;  
Gules, an Inescutcheon, Argent, betwixt eight Mullets in Orle, Or. Quartering, Gules, a Chevron between three Escallops, Or, both by that Name; the first as the Arms of the Earls of Tankerville, Chamberlains of Normandy.
- 422 Feb. 4. Henry Hunlock of Wingerworth in Derbyshire, Esq;  
Azure, on a Fess between three Tygers Heads erased, Or, as many Mullets of the Field.
- 423 28. Thomas Badd of Cambs-Oysells in Huntingdonshire, Esq;  
Azure, five Flures de Lys in Saltire, Argent, per Segur. alias pro Nom<sup>o</sup> Baud, Arms, Gules, three Chevronels, Argent; but such as give it so, give it false.
- 424 29. Richard Crane of Wood-Rising in Norfolk, Esq;  
Extinct. Gules, on a Fess between three Crosses Pate fitchè, Or, as many Annulets, Azure.
- 425 Mar. 20. Samuel Danvers of Culworth in Northamptonshire, Esq;  
Extinct. Gules, a Chevron between three Mullets of six Points, Or.
- 426 21. Anno Domini 1643. ☉ Regis, Car. 1. 19.  
1643. Henry Andersen of Penley in Hertfordshire, Esq;  
Argent, a Chevron between three Crosses Flory, Sable. Vide No. 280.  
William Parvassour of . . . in Yorkshire, Esq;  
Or, a Fess indented, Sable, Crescent for difference.
- 427 July 3. Sir Henry Jones of Abermarles in Caermarthenshire, Kt  
Extinct. Argent, a Chevron, Azure, between 3 Choughs, Sable, a Bordure of the Third befranted.
- 428 17. 429 25. 430 Aug. 1. 1643. Sir Edw. Wa'grave of Heron-Castle in Kent, Kt. [English Baron] viz. Lord Waldgrave.  
Party per Pale, Argent and Gules, a Crescent difference, and sometimes a Roundle counterchanged as difference.
- 431 Aug. 15. Thomas Haggerston of Haggerston in Northumberland, Esq;  
Azure, on a Bend cottised, Argent, three Billets, Sable.
- 432 Octob. 28. John Pale of Sysonby in Leicestershire, Esq;  
Extinct. Argent, three Text R's, Sable.
- 433 Nov. 9. John Bale of Carleton-Cum-lew in Leicestershire, Esq;  
Extinct. Party per Pale, Vert and Gules, an Eagle display'd, Argent, beak'd and member'd, Or.
- 434 13. Brian O Neale of . . . in Com<sup>o</sup> Dublin' in the Kingdom of Ireland, Esq;
- 435 16. Willoughby Hickman of Gainsborough in Lincolnshire, Esq;  
Party per Pale indented, Argent and Azure.
- 436 Dec. 7. John Butler of Brampsfield in Hertfordshire, Esq;  
Gules, a Fess checq. Argent and Sable, between six Crosses pattè, Or.
- 437 9. Edward Bathurst of Lechlade in Com<sup>o</sup> Gloucester, Esq;  
Sable, two Barrs, Ermine, in Chief three Crosses Pattè, Or.
- 438 Jan. 17. Edward Aston of Aldenham in Shropshire, Esq;  
Gules, semé of Crosets fichè, Or, and two Lions passant, Argent.
- 439 Mar. 14. Sir Francis Hawley of Buckland in Somersetshire, Kt. Now Irish Baron viz. Lord Hawley.  
Vert, a Saltire engrail'd, Or.
- Anno Domini 1624. ☉ Regi. Car. 1.
- 440 Apr. 1. John Preston of the Mannor . . . in Furnesse in Lancashire, Esq;  
Extinct. Argent, two Barrs, Gules, on a Canton of the last, a Cinquefoile, Or.
- 441 2. John Webb of Odstock in Wiltshire, Esq;  
Extinct. Gules, a Cross between four Falcons, Or.
- 442 25. Thomas Prestwick of Holme in Lancashire, Esq;  
Extinct. Gules, a Mermaid, proper, crined, and with a Mirrour, Or. Sometimes Ermine, on a Chevron, Gules, three Leopards Faces, Or, on a Chief, Sable, a Mastiff passant between two Flures de Lys of the 3d; Which is now their 2d Quarter, and was granted by Christopher Barker, Garter.
- 443 May 4. Henry Williams of Guernevet in Brecknockshire, Esq;  
Argent, three Cocks, Gules.
- 444 20. Gervase Lucas of Venton in Lincolnshire, Esq;  
Extinct.
- 445 June 14. Robert Thorold of Hawley in Lincolnshire, Esq;  
Sable,



- 446 July 23. 1644. John Scudamore of Rolingham in Herefordshire, Esq;  
Gules, three Stirrups with Leathers and Buckles, Or, with due difference.
- 447 Octob. 8. Sir Henry Bard of Stanes in Middlesex, Kt. (Since an Irish Viscount) viz. Viscount Bellamont.  
Sable, on a Chevron between ten Martlets, Argent, five Pellets.  
Extinct.
- 448 Feb. 12. Sir Richard Vivian of Trelowren in Cornwall, Kt.  
Argent, a Lion rampant, Gules.
- 449 28. William Van-Colster of Amsterdam in Holland, Esq;  
Argent, a Lion rampant, Gules.
- 450 March 21. William Boreel of Amsterdam aforesaid.  
Jan. 21. 1677. Sir Hugh Ackland of Columb-John in Devonshire, Kt. with Precedency before all Baronets created after 1644.  
Checquy, Argent and Sable, a Fess, Gules.
- Apr. 22. 1678. Sir Francis Edwards of Shrewsbury, Kt. to take Place of all Baronets created after 1644.  
Ermine, a Lion rampant Guardant, Azure, on a Canton, Or, an Eagle display'd, Sable.
- Anno Domini 1645. & Regis Car. 1. 21.
- 451 May 9. George Carteret of Mischies in the Isle of Jersey, Esq; English Baron, viz. Lord Carteret.  
Gules, four Lozenges conjoin'd in Fess, Argent.
- 452 Nov. 25. Thomas Windibanke of Haynes in Wiltshire, Esq;  
Vert, on a Chevron between three Pigeons volant, Or, three Trefoiles of the First.
- 453 Feb. 7. Benjamin Wright of Dennington in Suffolk, Esq; whose Patent was superseded by the King's Warrant.  
Azure, two Barrs, Argent, in Chief three Leopards Faces, Or.
- 454 March 6. Edward Charleton of Hesleyside in Northumberland.  
Or, a Lion rampant, Gules.  
Extinct.
- Anno Domini 1646. & Regis Car. 1. 22.
- 455 June 11. Sir Richard Willis, (Brother to Sir Thomas Willis of Fen-Ditton in Cambridgeshire) Colonel of a Regiment of Horse to His Majesty; as also Colonel-General of the Counties of Lincoln, Nottingham and Rutland, and Governour of the Town and Castle of Newark.  
Party per Fess, Gules and Argent, three Lions rampant Counterchanged within a Bordure, Ermine, with a Crescent for difference.  
Extinct.
- 456 Sir Evan Lloyd of Yale in Com' Denbigh, Kt.

## BARONETS created by King CHARLES the Second.

Anno Domini 1649. &amp; Regis Car. 2. 1.

- 457 Sept. 1. 1649. Richard Brown of Debitford in Kent, Esq; created by Letters Patents at St. Germain in France. He was Resident for Their Majesties King Charles the First and Second with Lewis Thirteen and Fourteen, Kings of France, and one of the Clerks of the Privy-Council.  
Gules, a Griffin passant, and a Chief, Or; to which was added an Augmentation, viz, Or, a Chief, Sable, and a Canton, Ermine, to be born before his Paternal Coat, but afterwards the Canton was omitted by Patent 1663.
- 458 8. Henry de Vic, of the Isle of Guernsey, Esq. created by Letters Patents at St. Germain aforesaid. He was Resident for King Charles I. and II. near twenty Years in Brussels; and afterwards Chancellor of the most Noble Order of the Garter.  
Or, three Cheval-Traps and a Chief, Sable.  
Extinct.
- 459 Sept. 18. Richard Forster of Stokesley in Yorkshire, Esq; by Letters Patents dated at St. Germain.  
Sable, a Chevron, Ermine, between three Broad-Arrows, Or, plumed, Argent.
- Anno Domini 1650. & Regis Car. 2. 2.
- 460 Sept. 3. 1650. Richard Fanshawe, Esq; a younger Brother to Thomas Viscount Fanshawe of Ireland, afterwards Master of the Requests, and Ambassador in Spain and Portugal.  
Or, a Chevron between three Fleurs de Lys, Sable.  
Extinct.
- Anno Domini 1652. & Regis Car. 2. 5.
- 461 April 2. 1652. William Curtius, Esq; then Resident for His Majesty with Gustavus King of Sweden, and the Princes of Germany.
- Anno Domini 1657. & Regis Car. 2. 9.
- 462 Oct. 9. 1657. Sir Arthur Slingsby of . . . near Canterbury in Kent, Kt. by Letters Patents, dated at Bruges in Flanders.  
Argent, a Griffin rampant Segreant, Sable, over all a Fess, Gules. Sometimes Gules, a Chevron between two Leopards Heads in Chief, and a Bugle-horn in Base, Argent; but the first is their proper Coat, the last being that of Scitoun.



Anno Domini 1658. & Regis Car. 2. 10.			
463	Thomas Orby of . . . . in Lincolnshire, Esq. (Servant to the Queen Mother) by Letters Patents bearing Date at Brussels in Brabant. Ermine, three Chevrons and a Canton, Gules, the latter charg'd with a Lion of England.	475	June 9. Extinct. Argent, three Bears Heads erased, Sable, mulled, Or.
464	Thomas Bond, of . . . . in . . . . Esq; (Servant to the Queen Mother) by Letters Patent bearing Date at Brussels. Argent, on a Chevron, Sable, three Bezants.	476	June 9. Sir Robert Abdy of Albans in Essex, Knt. Or, two Chevrons between three Trefoiles, Sable, with a Crescent for difference.
465	Aug. Arthur Marigny Carpentier, Esq; a Frenchman at Brussels.	477	June 12. Thomas Draper of Sunninghill-Park in Berkshire, Esq; Bendy of Six, Or and Gules, a Chief per Fess or Barr, and charg'd with three Fluers de Lys counter-chang'd, Sable and Ermine.
466	Henry Browne of Kiddington in Oxfordshire, Esq; Son of Sir Peter Browne Kt. Slain in the Service of King Charles I. and in Default of Issue Male, to Francis the Brother; Dated at Brussels. Sable, three Lions passant in Bend, between two Gemells, Argent, with a Crescent for difference.	478	June 12. Extinct. Henry Wright of Dagenham in Essex, Esq; Azure, two Barrs, Argent, in Chief three Leopards Faces, Or.
Anno Domini 1660. & Regis Car. 2. 12.		479	June 12. Extinct. Jonathan Keate of the Hoo in Hertfordshire, Esq; Argent, three Cats passant in Pale, Sable.
467	April 2. Jeremy Whichcot of the Inner-Temple, Esq; in London. Ermine, two Boars passant in Pale, Gules.	480	Extinct. Sir Hugh Spoke of Haselbury in Wiltshire, Kt. Azure, an Eagle with two Heads, display'd, Or.
468	Sir Anthony de Mercus (a Frenchman.) Extinct.	481	June 13. Extinct. Nicholas Gould of the City of London, Esq; Per Saltire, Azure and Or, a Lion rampant counterchanged.
469	May 29. Stil. Nov. Sir John Evelin of Godston in Surrey, Kt. by Letters Patents bearing Date at the Hague in Holland. Azure, a Griffin passant, Wings expanded, and a Chief, Or.	482	June 13. Sir Thomas Adams, Kt. and Alderman of London. Ermine, three Cats passant in Pale, Azure.
470	May 30. Stil. Nov. Sir Gualter de Raed of the United Netherlands, Holland.	483	June 13. Richard Atkins of Clapham in Surrey, Esq; Azure, three Barrs, Argent, in Chief as many Besants.
471	June 7. Sir Orlando Bridgeman of Great Lever in Lancashire, Kt. Chief Baron of the Exchequer, &c. and afterwards Lord Keeper of the Great-Seal of England. Sable, ten Bezants on a Chief, Argent, a Lion passant, Ermines.	484	14. Thomas Allen of the City of London, Esq; Sable, a Cross Potent, Or.
472	June 7. Sir Geoffrey Palmer of Carleton in Northamptonshire, Kt. His Majesty's Attorney-General. Sable, a Chevron, Or, between three Crescents, Argent, quartering on a Bend, Sable, five Besants both by that Name.	485	Extinct. Henry North of Mildenhall in Suffolk, Esq; Azure, a Lion passant between three, Trefoiles Or, with a due difference.
473	June 7. Sir Heneage Finch of Raunston in Com' Bucks, Kt. Lord-Chancellor, and since an English Earl, viz. Earl of Nottingham. Argent, a Chevron between three Griffins passant, with Wings expanded, Sable.	486	15. Extinct. Sir William Wiseman of Rivenhall in Essex, Kt. Sable, a Chevron Ermine between three Cronels of Tilting Spears, Argent.
474	June 7. Sir John Langham of Cotsbrook in Northamptonshire, Kt. and Alderman of the City of London.	487	8. Thomas Cullum of Hastede in Suffolk, Esq; Azure, a Chevron Ermine between three Pelicans, Or, vulning themselves, proper.
		488	19. Basil Dixwell of Broom-halse, in Kent, Esq; Argent, a Chevron, Gules, between three Fluers de Lys, Sable
		489	20. Extinct. Thomas Darcy of St. Cleres-hall in St. Olufs in Essex, Esq; Argent, three Cinquefoiles, Gules.
		490	George Grubham How of Old Barwick in Wiltshire, Esq; Or, a Fess engrail'd between three Wolves Heads couped, Sable.
		491	21. Extinct. John Cutts of Childerley in Cambridgehire, Esq; Argent, on a Bend engrail'd, Sable, three Plates.
		492	Solomon Swale of Swale-hall in Wiltshire, Esq; Azure,



- 493 Jun. 21. 1660. William Humble of the City of London, Esq;  
Sable, a Buck tripping, and a Chief indented, Or.
- 494 Henry Stapleton of Miton in Yorkshire, Esq;  
Argent, a Lion rampant, Sable, armed, &c. Gules, with a Crescent for difference.
- 495 Gervase Elwes of Stoke near Clare in Suffolk, Esq;  
Or, a Bend, Gules, surmounted by a Fess, Azure.
- 496 Robert Cordell of Melford in Suffolk, Esq;  
Gules, a Chevron engrailed, Ermine, between three Griffins Heads erased, Argent.  
Extinct.
- 497 Sir John Robinson, Kt. Lieutenant of the Tower of London.  
Quarterly two Coats, the 1, and 4, Crenellè, Gules and Or; in the first Party per Cross upon a Tower, Argent, a Lion of England, being an Augmentation: The 2d, and 3d, his paternal Coat, viz. Vert, a Buck tripping, within eight Trefoiles in Orle, Or.
- 498 Sir John Abdy of Moores in Essex, Kt.  
Or, two Chevrons between three Trefoils, Sable, with a Mullet for difference.  
Extinct.
- 499 25. Sir Robert Hilliard of Patrington in Yorkshire, Kt.  
Azure, a Chevron, Argent, between three Mullers, Or.
- 500 Jacob Astley of Hill-Morton in Warwickshire, Esq;  
Azure, a Cinquefoile, Ermine, within a Bordure engrailed, Or.
- 501 Sir William Bowyer of Denham in Bucks, Kt.  
Or, a Bend vair cotised, Sable.
- 502 Thomas Stanley of Aldersey in Cheshire, Esq;  
Argent, on a Bend, Azure, three Bucks Heads caboshed, Or, (with due difference.)
- 503 26. John Shuckborough of Shuckborough in Warwickshire, Esq;  
Sable, a Chevron engrail'd between three Mullers, Argent.
- 504 27. William Wray of Ashby in Lincolnshire, Esq;  
Azure, on a Chief, Or, three Martlets, Gules.
- 505 Nicholas Steward of Hartly-Mauduit in Hampshire, Esq;  
Or, a Fess checquy, Argent and Azure, a Bordure, Gules.
- 506 27. George Warburton of Akeley in Cheshire, Esq;  
Argent, a Chevron between three Cormorants, Sable, sometimes quartering Dutton, viz. quarterly, Argent and Gules, the latter fretted, Or; as the Coat of their Original Ancestor.
- 507 Sir Francis Holles of Winterburne St. Martin in Dorsetshire, Knight, Son and Heir to Denzell Lord Holles of Ifield.  
Extinct.
- 508 Juue 28. 1660. Oliver St. John of Woodford in Northamptonshire, Esq; English Baron, viz. Baron St. John of Bletsho.  
Ermine, two Piles in point, Sable.
- 509 29. Ralph De la Vall of Seyton De la Vall in Northumberland, Esq;  
Ermine, two Barrs, Vert.
- 510 30. Andreas Hanley of Henley in Somersetshire, Esq;  
Azure, a Lion rampant, Argent, crowned, Or, a Bordure, as the 2d, Semé of Torreauxes.
- 511 Thomas Ellis of Wyham in Lincolnshire, Esq;  
Gules, on a Fess, Argent, between three Crescents, Or, as many Escallops, Azure.
- 512 July 2. John Covert of Slougham in Sussex, Esq;  
Gules, a Fess, Ermine, between 3 Martlets, Or.
- 513 Peter Lear of London, Gent.  
Extinct.
- 514 Azure, a Fess Ragulé between three Unicorns Heads erased, Or.
- 515 Maurice Berkley of Bruton in Somersetshire, Esq;  
Gules, a Chevron, Ermine, between twelve Crosses pattè, Argent.
- 516 3. Henry Hudson of Melton-Mowbray in Leicestershire, Esq;  
Parted per Chevron imbattellèd, Argent and Gules, three Escallops counterchang'd.
- 517 Thomas Herbert of Tinterne in Monmouthshire, Esq;  
Party per Pale, Azure and Gules, three Lions rampant, Argent, with a Crescent for a Difference.
- 518 4. Thomas Middleton of Chirk in Denbighshire, Esq;  
Argent, on a Bend, Vert, three Wolves Heads erased, of the First.
- 519 6. Verney Noell of Kirkby in Leicestershire, Esq;  
Or, Fretty, Gules, a Canton Ermine, with a Mullet for difference.
- 520 7. George Buswell of Clifton in Northamptonshire, Esq;  
Or, a Chevron, Gules, between three Torreauxes.
- 521 10. Robert Austen of Bexley in Kent, Esq;  
Or, a Chevron, Gules, between 3 Bears Gambs, erect and erased, Sable.
- 522 12. Robert Hales of Bekesburne in Kent, Esq;  
Gules, three Arrows, Or, barbed and plumed, Argent.
- 523 13. Sir William Boothby of Bradly-Ash in Derbyshire.  
Argent, on a Canton, Sable, a Lion's Gamb erased in Bend, Or.
- 524 14. Polstan Dixey of Market Bosworth in Leicestershire, Esq;  
Extinct.
- 525 16. John Bright of Baljworth in Yorkshire, Esq;  
Party per Pale, Azure and Gules, a Bend, Or, between two Mullers, C c 2 Argent,



		<i>Argent, aliter, Gules, a Bend; Or, betwixt two Mulletts, Argent.</i>	541	2.	1660. <i>Hugh Smithson of Stanwick in Yorkshire, Esq;</i>
525	July 16.	1660. <i>John Warner of Parham in . . .</i>			<i>Or, on a Chief imbattelled, Azure, three Suns, proper.</i>
Extinct.		<i>Esq;</i>		3.	<i>Sir Roger Mostyn of Mostyn in Flintshire, Kt.</i>
		<i>Or, a Bend engrailed between six Roses, Gules.</i>	542		<i>Parted per Bend, Ermine and Ermines, a Lion rampant, Or.</i>
526	17.	<i>Sir Job Harby of Aldenham in Hertfordshire, Kt.</i>		4.	<i>William Willoughby of Wollaton in Nottinghamshire, Esq;</i>
Extinct.		<i>Gules, a Fess indented, Ermine, between six Billets, Argent.</i>	543		<i>Or, on two Barrs, Gules, three Water-budgets, Argent.</i>
		<i>Extinct.</i>	Extinct.	6.	<i>Anthony Oldfield of Spalding in Lincolnshire, Esq;</i>
527	18.	<i>Samuel Morland of Southamsted-Banester in Berkshire, Esq;</i>			<i>Or, on a Pile, Vert, three Garbs of the Field.</i>
		<i>Sable, a Leopard's Head jessant, a Fluor de Lys, Or, in the dexter Chief Point a Lion of England.</i>	544	10.	<i>Peter Leicester of Tabley in Cheshire, Esq;</i>
528	19.	<i>Sir Thomas Hewys of Pishobury in Hertfordshire, Kt. Since an Irish Peer, viz. Viscount Hewys.</i>	545		<i>Azure, a Fess, Gules, between 3 Fluors de Lys, Or; but now they use the Fess, Gold.</i>
Extinct.		<i>Gules, a Chevron engrailed between three Owles, Argent.</i>		11.	<i>Sir William Wheeler of the City of Westminster, Kt.</i>
529		<i>Edward Honywood of Evington in Kent, Esq;</i>	546		<i>Or, a Chevron between three Leopards Faces, Sable.</i>
		<i>Argent, a Chevron between three Falcons Heads erased, Azure.</i>		16.	<i>John Newton of Barscote in Gloucestershire, Esq;</i>
530	22.	<i>Richard Browne of London, Alderman.</i>	547		<i>Argent, on a Chevron, Azure, three Garbs, Or, by the Name of Cradec; but their original Coat, Sable, two Shin-bones in Saltire the Dexter surmounting, Argent.</i>
		<i>Argent, on a Chevron between 3 Griffins Heads erased, Gules, as many Castles of the Field.</i>			<i>Tho. Lee of Hartwell in Cam' Bucks, Esq;</i>
531	23.	<i>Henry Vernon of Hodnet in Shropshire, Esq;</i>			<i>Azure, two Barrs, Or, over all a Bend Composé of the 2d, and Gules.</i>
		<i>Argent, a Frett, Sable.</i>	548		<i>Thomas Smith of Hatherton in Cheshire, Esq;</i>
532		<i>Sir John Aubrey of Llantrilbed in Glamorganshire, Kt.</i>			<i>Gules, on a Chevron, Or, between three Besants, as many Crosses formé fitché, Sable.</i>
		<i>Azure, a Chevron between 3 Eagles Heads erased, Or.</i>		17.	<i>Ralph Ashton of Middleton in Lancashire.</i>
533		<i>William Thomas of Folkington in Sussex, Esq;</i>	549		<i>Argent, a Mullet, Sable.</i>
Extinct.		<i>Or, on a Cross, Sable, five Crescents, Argent.</i>			<i>John Rous of Henham in Suffolk, Esq;</i>
534	25.	<i>Thomas Selater of Cambridge in Cambridgeshire, Esq;</i>	550		<i>Sable, a Fess dancetté, Or, between three Crescents, Argent.</i>
Extinct.		<i>Argent, a Saltire, Azure.</i>		22.	<i>Henry Maffingbeard of Bratfys-Hall in Lincolnshire.</i>
535		<i>Henry Conway of Bolnitham in Flintshire, Esq;</i>	551		<i>Azure, three Quaterfoiles, Or, in Chief a Boar passant of the same, charged on the Shoulder with a cross Patté, Gules.</i>
		<i>Sable, on a Bend cottised, Argent, a Rose, Gules, between two Annulets, Sable.</i>		28.	<i>John Hales of Coventry in Warwickshire, Esq;</i>
536	26.	<i>Edward Green of Soupsford in Essex, Esq;</i>	552		<i>Gules, three Arrows, Or, barbed and plumed, Argent.</i>
Extinct.		<i>Per Fess, Sable and Argent, a Lion rampant, Gules, crowned, Or.</i>		30.	<i>Ralph Bay of Hill-Fields in Warwickshire, Esq;</i>
537	28.	<i>John Stapeley of Patcham in Sussex, Esq;</i>	553		<i>Vert, three Bows strung, Or.</i>
		<i>Gules, three Boars Heads, a Bordure engrailed, Argent.</i>			<i>John Knightley of Off-Church in Warwickshire, Esq;</i>
538	30.	<i>Metcalf Robinson of Newby in Yorkshire, Esq;</i>	554		<i>Quarterly Ermine, and Paly of 6, Or and Gules, within a Bordure, Azure.</i>
Extinct.		<i>Vert, a Chevron, Ermine, between 3 Roe-Bucks tripping, Or.</i>	Extinct.	31.	<i>Sir John Drake of Ash in Devonshire, Kt.</i>
539	31.	<i>Marmaduke Gresham of Limsfield in Sussex, Esq;</i>	555		<i>Argent, a Wyvern, Gules, with Wings elevated in Dorso.</i>
		<i>Argent, a Chevron, Ermines, between three Mulletts, Sable, omitting the Augmentation, viz. On a Chief, Or, a Trefoile Vert, between two Greyhounds Heads erased, Sable, collared, Gold, born by his direct Ancestor Sir John Gresham, Lord Mayor of London, 1548.</i>	Extinct.		<i>Oliver St. George of Carrickermuck in the County of Trim in Ireland, Esq;</i>
540	Aug. 1.	<i>William Dudley of Capton in Northamptonshire, Esq;</i>	556		
		<i>Azure, a Chevron between three Lions Heads erased, Or.</i>	557	Sept. 5.	



- 558 Sept. 11. 1660. Sir John Bowyer of Knipersley in Staffordshire, Kt.  
*Argent, a Chief, Azure, over all a Lion rampant, Gules, crowned, Or.*
- 559 Extinct. 13. Sir William Wild, Kt. Recorder of the City of London.  
*Argent, a Chevron and Chief, Sable, the latter charg'd with three Martlets, Silver.*
- 560 19. Joseph Ash of Twittenham in Middlesex, Esq;  
*Argent, two Chevrons, Sable.*
- 561 22. John How of Compton in Gloucestershire, Esq;  
*Or, a Fess between three Wolves Heads coup'd, Sable.*
- 562 26. John Swinburne of Chap-Heton in Northumberland, Esq;  
*Party per Fess, Gules and Argent, three Cinquefoiles counterchanged.*
- 563 Oct. 12. Extinct. John Trott of Laverstoke in Hampshire, Esq;  
*Paly of Six, Or and Gules, a Canton, Argent, charg'd with a Cross Flory, Sable.*
- 564 Extinct. 13. Humphry Miller of Oxenboath in Kent, Esq;  
*Ermine, a Fess, Gules, between 3 Wolves Heads erased, Azure.*
- 565 Extinct. 15. Sir John Lewes of Ledston in Yorkshire, Kt.  
*Sable, a Chevron between three Trefoiles, Or.*
- 566 Extinct. 16. John Beale of Maidston in Kent, Esq;  
*Sable, on a Chevron, Argent, between 3 Griffins Heads erased, Or, as many Estoiles, of the Field.*
- 567 Sir Richard Franklin of Moore-Park in Hertfordshire, Kt.  
*Argent, on a Bend, Azure, three Dolphins of the First.*
- 568 Nov. 8. William Ruffel of Lingborne in Carmarthen-shire, Esq;  
*Argent, a Lion rampant, Gules, on a Chief, Sable, three Roses of the First seeded, Or.*
- 569 9. Thomas Boothby of Friday-bill, in the Parish of, Chingford in Essex, Esq;  
*Argent, on a Canton, Sable, a Lion's Paw erased in Bend, Or.*
- 570 Extinct. William Backhouse of London, Esq;  
*Gyronny, Or and Azure, a Saltire, Ermine.*
- 571 Extinct. 12. Sir John Cutler of London, Kt.  
*Azure, three Dragons Heads erased, Or, a Chief, Argent.*
- 572 16. Giles Mottet of Taige in . . . . .
- 573 21. Henry Gifford of Burstall in Leicestershire, Esq;  
*Gules, three Lions passant in Pale, Argent.*
- 574 Extinct. Sir Thomas Foot of London, Kt. and Alderman.  
*Argent, a Chevron, and in the dexter Chief a Trefoile, Sable.*
- 575 22. Thomas Manwaring of Over-Pever in Cheshire, Esq;  
*Argent, two Bars, Gules.*
- 576 Extinct. Thoms Bennet of Baberham in Cambridge-shire, Esq;  
*Gules, a Belant between 3 Demi-Lions rampant and coup'd, Argent.*
- 577 Nov. 29. 1660. John Wroth of Blanden hall in Kent, Esq;  
*Argent, on a Bend, Sable, three Lions Heads erased, Silver, crowned, Or.*
- 578 Dec. 3. George Wynne of Nostell in Yorkshire, Esq;  
*Ermine, on a Fess, Or, three Eagles display'd, Or.*
- 579 4. Henrige Featherstone of Blakesware in Hertfordshire, Esq;  
*Gules, on a Chevron between three Ostridges Feathers, Argent, a Peller, which Peller has been omitted of late.*
- 580 Humphry Monnex of Watton in Bedfordshire, Esq;  
*Argent, on a Chevron, Sable, between 3 Oak Leaves Or, as many Belants. Originally in the Coat was a Chief, Azure, charged with a Fowl of the Field, between two Anchors, Or; But this Chief, and its Charge are both omitted.*
- 581 Extinct. 10. John Peyton of Daddington in the Isle of Ely in Cambridge-shire, Esq;  
*Sable, a Cross engrailed, Or, in the dexter Canton a Mullet, Argent, (with a due Difference.)*
- 582 11. Edmund Anderson of Broughton in Lincolnshire, Esq;  
*Argent, a Chevron between three Crosses flory, Sable.*
- 583 John Fagg of Wiston in Sussex, Esq;  
*Gules, two Bends Vaire.*
- 584 Extinct. 18. Matthew Herbert of Bromfield in Shropshire, Esq;  
*Per pale, Azure and Gules, three Lions rampant, Argent, a Martlet for difference.*
- 585 19. Edward Ward of Bexley in Norfolk, Esq;  
*Checque, Or and Azure, a Bend, Ermine.*
- 586 22. John Keyt of Elrington in Gloucestershire, Esq;  
*Azure, a Chevron between three Kites Heads erased, Or.*
- 587 Extinct. William Kulegrew of Arwynick in Cornwall, Esq;  
*Argent, an Eagle display'd with two Heads, Sable, within a Border of Cornwall, viz. Sable, and belanted.*
- 588 John Buck of Hamby-Grange in Lincolnshire, Esq;  
*Paly Bendy, Or and Azure, a Canton, Ermine.*
- 589 24. William Frankland of Thirkelby in Yorkshire, Esq;  
*Azure, a Dolphin Naant embowed, and a Chief, Argent, the latter charg'd with two Saltires, Gules.*
- 590 Extinct. Richard Stridolph of Norbury in Surrey, Esq;  
*Argent, on a Chief, Sable, two Wolves Heads coup'd of the First.*
- 591 William Gardiner of the City of London, Esq;  
*Or, on a Chevron, Gules, between three Griffins Heads erased, Azure, two Lions counterpassant, Gold.*



292	Dec. 28.	1660. William Fuxon of Albourn in Suffex, Esq; Or, a Cross, Gules, between 4 Black- moors Heads coupéd, proper.	609	Feb. 15.	1660. George Wakeman, of Beckford in Glocestershire, Esq; The Patent en- grossed, but never sealed.
593	29.	John Legard of Garton in Yorkshire, Esq; Argent, on a Bend between six Mullets, Gules, a Cross patté, or formé, Or.	610		Vert, a Saltire Undé, Ermine. Benjamin Wright of Cranham-Hall in Essex, Esq; Azure, two Barrs, Argent, in Chief three Leopards Heads, Or.
594	31.	George Marwood of Little Buskby in Yorkshire, Esq; Gules, a Chevron between 3 Goats Heads erased, Ermine.	611	18.	John Colleson of the City of Lon- don, Esq; Or, three Bucks Heads coupéd, proper.
595		John Jackson of Hickleton in York- shire, Esq; Argent, on a Chevron, Sable, be- tween 3 Hawks Heads erased, Azure, three Cinquefoiles, Or.	612	18.	Sir James Modyford of London, Kt. Ermine, on a Bend, Azure, a Mul- let, Argent, between two Garbs, Or.
596	Jan. 2.	Sir Henry Pickering of Whaddon in Cambridgeshire, Kt. Ermine, a Lion rampant, Azure, crowned, Or.	613	21.	Thomas Beaumont of Stoughton-Grange in Leicestershire, Esq; France Antique, viz. Azure, Semi de Lyz; a Lion rampant, Or.
597		Henry Bedingfield of Oxbrough in Nor- folk, Esq; Ermine, an Eagle display'd, Gules.	614	23.	Edward Smith of Eshe in the Bi- shoprick of Durham, Esq; Azure, a Saltire between 4 Mart- lets, Argent.
598	4.	Walter Plomer of the Inner-Temple, London, Esq; Per Chevron flory counterflory, Argent and Gules, three Martlets coun- terchanged.	615	March 4.	John Napier, alias Sandy, of . . . . . in Bedfordshire, Esq; to take Place next after Sir Thomas Holt. Argent, a Saltire between four Cinquefoiles, Gules.
599	8.	Herbert Springet of Broyle in Suffex, Esq; Party per Fefs Undé, Argent and Gules, a Fefs wavy between three Crescents counterchanged.	616		Thomas Gifford of Castle-Sardan in the County of Meath, in the King- dom of Ireland, Esq; Argent, Ten Torteauxes 4, 3, 2, 1.
600	23.	William Powell, alias Hinson, of Pen- getbley in Herefordshire, Esq; Or, a Chevron between 3 Lions Gambes erased, Gules.	617		Thomas Clifton of Clifton in Lan- cashire, Esq; Sable, on a Bend, Argent, three Mullets, Gules.
601	25.	Robert Newton of the City of Lon- don, Esq; Vert, a Lion rampant, Or, langued and armed, Gules, on his Shoulder a cross Patté fitched, Sable.	618		William Wilson of Eastborne in Suff- sex, Esq; Sable, a Wolf rampant in Chief; 3 Estoils, Or.
602	29.	Nicholas Staughton of Staughton in Surrey, Esq; Azure, a Cross engrailed, Ermine.	619		Compton Reade of Burton in Berk- shire, Esq; Gules, a Saltire between 4 Garbs, Or.
603		William Rokeby of Skyers in York- shire, Esq; Argent, a Chevron between three Chefs-Rooks, Sable.	620	10.	Sir Brian Broughton of Broughton in Staffordshire, Kt. Argent, two Bars and a Canton, Gules; the latter charg'd with a Cross of the Field.
604	Feb. 2.	Walter Ernley of New-Sarum in Wiltshire, Esq; Argent, on a Bend, Sable, three Eagles display'd, Or.	621	16.	Robert Slingsby of Newcelle in Hert- fordshire, Esq; Gules, a Chevron between two Leopards Faces in Chief, Or, and a Bugle-horn in Base, Argent.
605		John Hubaud of Ipsley in Warwick- shire, Esq; Argent, three Mullets in Fefs, Gules, cottised, Azure, between as many Martlets, Sable.	622		John Crofts of Stow in Suffolk, Esq; Or, three Bulls Heads coupéd, Sable.
606	7.	Thomas Morgan of Llangabock in Monmouthshire, Esq; Or, a Griffin rampant, Sable.	623		Ralph Verney of Middle-Claydon in Bucks, Esq; now an Irish Viscount, viz. Viscount Fermanagh. Azure, on a Cross, Argent, five Mullets, Gules.
607	9.	Richard Lane of Tulske in the County of Roscommon in the King- dom of Ireland, Esq; Irish Viscount, viz. Viscount Lanesborough. Argent, a Lion rampant, Gules, a Border, Sable, and for an Augmen- tation, on a Canton, Azure, an Irish Harp, Imperially crown'd, pro- per; granted by Sir Ed. Walker, 1461.	624	Mar. 18.	Robert Dicer of Uphall in Hert- fordshire, Esq;
608	11.	John Osborne of Chickland in Com' Bucks, Esq;	625	20.	John Bromfield of Southwark in Sur- rey, Esq; Azure, a Lion passant guardant, Or.
			626		Thomas Rich of Sunning in Berk- shire, Esq;

Gules,